0 007 751 158 1

0 007 751 158 1

A MEMORIAL

TO THE

CONGRESS OF THE UNITED STATES

On Behalf of the State of Sequoyah

THE LIBRARY
OF CONGRESS

F698
I37

By transfer
JUN 11 1906

THE LIBRARY
OF CONGRESS

A Memorial to the Congress of the United States On Behalf of the State of Sequoyah.

To the Honorable the Senate and the House of Representatives in Congress assembled:

On behalf of the people of this State I have the honor to submit to you the Constitution of the State of Sequoyah. It was drawn and adopted by the Constitutional Convention of the State which conveyed at Muskogee, Indian Territory, August 21, 1905. It was ratified by a vote of our people on November 7, 1905, 65,352 voting, of whom 9,073 voted against the adoption, and 56,279 voted in favor of the adoption of the Constitution.

We respectfully request that said constitution be approved and that the State of Sequoyah be duly admitted by your honorable body as one of the States of the Union.

In support of the above request, we respectfully submit the following propositions:

That we are entitled to immediate independent Statehood.

First: (a) By area, 31,400 square miles.

(b) By number of our population, conservatively estimated at seven hundred and fifty thousand souls.

(c) By the character of our people, being educated, industrious, thrifty, law-abiding and learned in the art of self-government.

(d) By actual taxable wealth, estimated at $400,000,000.

(e) By our developed and undeveloped resources in oil, gas, coal, granite, marble, lumber, etc. Railroads, telegraphs, telephones, etc., and agricultural products cattle, horses, etc.

(f) By our immense immediate prospective population; our annual immigration being greater than the total population of some of the States now in the Union.

(g) By the fact that we constitute a separate and distinct community from any other on earth, with a different history, associations, ideals and hopes.

(h) By the natural right which is inherent in every great body of human beings to govern themselves; to educate their children; to care for the deaf, dumb and blind; the insane and pauper class; to make their own laws for the control of crime and vice, and for the promotion of virtue and good citizenship.

(i) By the natural right to make laws for our safety, convenience, comfort, and to maintain especially prohibition laws for our community, free from outside interference.

(j) By the necessity of being able to answer the railroad suits now proposed against thousands of our Indian allottees without outside interference.

(k) By the right to build our own public institutions and conduct them free from outside interferences.

Second: We are entitled under the Treaties and Laws of the United States, to-wit:

(a) By the Treaty with France of April 3, 1803.

(b) By the Treaty with the Choctaws and Chickasaws of 1830.

(c) By the Treaty with the Cherokees of 1835.

(d) By the Treaty with the Creeks and Seminoles of 1856.

(e) By the Treaty with the Five Nations of 1866.

(f) By the Act of Congress of March 3, 1893.

(g) By the Act of Congress of June 28, 1898.

(h) By the propositions and representations made to the Five Nations by the Commission to the five civilized tribes.

(i) By the pledges of the United States to maintain forever prohibition.

Third: We are entitled under the Constitution of the United States, and its interpretation for over a hundred years, and by precedent established in admitting other States into the Union.

Fourth: We are entitled by consideration for the welfare and true interests of the Republic itself, in the maintenance of its honor, prestige and power.

Fifth: We are entitled under the pledges of the National Republican party and of the National Democratic party.

Sixth: We are entitled under the welfare and interest of the great Mississippi Valley, the future home of untold millions; the granary of the world, and the bulwark of the Union.

Seventh: (a) Joint statehood with Oklahoma would violate the treaties of the United States and its contracts, as to statehood and as to prohibition.

(b) Would do violence to the wishes of the people of Sequoyah.

(c) Would be contrary to the wishes of the people of Oklahoma.

(d) Would be against the interests, sentiments and ideals of both communities.

(e) Would violate every precedent in the admission of States, as Congress never in the history of the country have compelled the merger of two States or of two territories.

Eighth: The Constitution herewith submitted represents the will of the people of the State of Sequoyah. The wishes of a people who have been grossly misrepresented by a propaganda advocating a union with Oklahoma, in the promotion of selfish interest, on behalf of the railroads, the liquor traffic, ambitious town promoters and professional politicians.

FIRST.

(a) Sequoyah is entitled by area.

Sequoyah has an area of 31,400 square miles. It is nearly four times as large as Maryland, it is over six times as large as Connecticut. It could contain Massachusetts, Connecticut, Rhode Island, Delaware, New Jersey, and over three-quarters of Maryland. It is within a fraction of the size of Indiana.

The average size of the States east of the Mississippi is 32,884 square miles, which is but a fraction larger than the Indian Territory. A table of the areas is here submitted:

East.	*Square miles.*
Alabama	51,540
Connecticut	4,845
Delaware	1,960
District of Columbia	60
Florida	54,240
Georgia	58,980
Illinois	56,000
Indiana	35,910
Kentucky	40,000
Maine	29,895
Maryland	9,860
Massachusetts	8,040
Michigan	57,430
Mississippi	46,340
New Hampshire	9,005
New Jersey	7,525
New York	47,620
North Carolina	48,580
Ohio	40,760
Pennsylvania	44,985
Rhode Island	1,053
South Carolina	30,170
Tennessee	41,750
Vermont	9,135
Virginia	40,125
West Virginia	24,645
Wisconsin	54,450
Total	854,903
Average size	32,884

West	*Square miles.*
Arizona	112,920
Arkansas	53,045
California	155,980
Colorado	103,645
Idaho	84,290
Indian Territory	31,000
Iowa	55,475
Kansas	81,700
Missouri	68,735
Montana	145,310
Nebraska	76,840
Nevada	109,740
New Mexico	122,460
North Dakota	70,195
Oklahoma	38,390
Oregon	94,560
South Dakota	76,850
Texas	262,290
Utah	82,190
Wyoming	97,575
Washington	66,880
Total	1,990,410
Average size	94,781
Average size Oklahoma and Indian Territory	34,660
Average size four territories seeking admission	76,187

(b) Sequoyah is entitled by population.

Because it has more people than sixteen States already in the Union, by the census of 1900.

Colorado	540,000
Delaware	185,000
Florida	528,000
Idaho	162,000
Maine	694,000
Montana	243,000
North Dakota	319,000
Nevada	42,000
New Hampshire	412,000
Oregon	414,000
Rhode Island	319,000
South Dakota	402,000

Utah 277,000
Vermont 344,000
Washington 518,000
Wyoming 93,000

Because it is better qualified by resources than any State ever admitted, at the time of its admission, and because it has a population three times as large as any State ever had at the time of its admission, as will appear from the following table:

Montana, admitted Nov. 8, 1889, population 1890..... 132,159
North Dakota, admitted Nov. 2, 1889, population 1890.... 182,719
South Dakota, admitted Nov. 2, 1889, population 1890.... 328,803
Utah, admitted Jan. 4, 1896, population 1900..... 276,749
Vermont, admitted March 4, 1791, population 1890..... 85,425
Idaho, admitted July 3, 1890, population 1890..... 84,385
Wyoming, admitted July 10, 1890, population 1890..... 60,705
Ohio, admitted Nov. 29, 1802, population 1800..... 45,365
California, admitted Sept. 9, 1850, population 1850..... 92,597
Indiana, admitted Dec. 11, 1816, population 1810..... 24,520
Illinois, admitted Dec. 3, 1818, population 1820..... 85,211
Washington, admitted Nov. 11, 1889, population 1890..... 349,390
Minnesota, admitted May 11, 1889, population 1890..... 172,023
Nebraska, admitted March 1, 1867, population 1870..... 122,993
Oregon, admitted Feb. 14, 1859, population 1860..... 52,465
Alabama, admitted Dec. 14, 1819, population 1820..... 127,901
Florida, admitted March 3, 1845, population 1850..... 87,445
Iowa, admitted Dec., 1846, population 1856..... 192,214
Delaware, one of the original 13 States, population 1900... 184,735

(c) Sequoyah is entitled by the character of its population. Being almost purely of American parentage, with small foreign element of foreign parentage, as illustrated below:

	I.T.	N.Y.	Conn.	Mass.	R.I.
Per cent of people of foreign parentage	2.6	33.2	31.	32.	32.8
Per cent. of people of foreign birth	1.2	26.	26.1	29.9	31.2
Total of foreign birth or parentage	3.8	59.2	57.1	61.9	64.

From a standpoint of literacy the people of the Indian Territory compare well with the adjacent States.

(d) Sequoyah is entitled by wealth.

Sequoyah has, on a fair estimate $400,000,000.00 in taxable property, its railroad properties alone are worth $50,000,000.00, its farm products not less than $175,000,000.00. It has 20,000,000.00 acres of land worth on an average of $10.00 per acre.

The following table gives a detailed statement of taxable property, computed on the same basis as is done in other States:

Taxable Property in Indian Territory.

Railroads, 3,010 miles	$50,000,000.00
Telegraph, telephone, private car and coal company property	6,000,000.00
Bank values $23,000,000 actual, but for taxes at very conservative estimate	20,000,000.00
Town property and improvements at present tax value	108,000,000.00
Live stock, at Secretary Wilson's estimate	14,000,000.00
Total	$202,000,000.00

This table does not include farm lands, and yet shows over four times what Wyoming has at present in taxable property.

Kansas and Nebraska when admitted to the Union had a total tax duplicate of less than twenty millions of dollars each.

Ohio, after it had been a State seventeen years, had only reached a total tax duplicate of forty-five million dollars.

It has the greatest oil and gas fields in the United States. Sequoyah has great forests of virgin pine and hard woods. It has millions of acres of merchantable coal. It has enough asphalt to pave every city in the United States. It has magnificent deposits of granite, marble of all colors, beautiful building stone, and deposits of lead, zinc, iron and other minerals. It has greater natural resources than any like area in the whole world.

(e) It has a superb climate, being not too far to the North, nor too far to the South. It has an abundant rain fall, well distributed, and a soil most productive. Wheat, rye, oats, corn, barley, flax, alfalfa, clover, timothy, tobacco and cotton thrive everywhere. Apples, peaches, pears, plums, apricots, and berries of every variety have their natural habitat in the State of Sequoyah. In no place in the Union do horses, cattle, sheep and swine grow to greater perfection. It has splendid water power, and numerous fine rivers and streams, and widely extended artesian water.

The country is intersected with a net work of railroads, telegraph and telephone lines. There are over 800 post offices. Two hundred and sixty-nine banks and trust companies, and manufacturing enterprises are rapidly centering in the oil and gas fields where fuel can be obtained at a nominal cost. No State in the Union has greater resources, for like area, developed and undeveloped.

(f) Sequoyah entitled by immediate prospective population.

Above all, the State of Sequoyah has a powerful right for indepent, separate and immediate statehood, because of the rate of immigration, now at high tide, which practically guarantees that within a few years Sequoyah will have not less than two millions of people.

The immigration for the present year is probably not less than 150,000, and statehood would undoubtedly tend to further increase it to a very large degree.

(g) Sequoyah entitled as a distinct community.

The people of Sequoyah compose a community, separate and distinct from any other on earth, with a different history, different associations and different sentiments, and with different ideals and hopes. They live under a form of law established by the United States and in pursuance of its treaties, consisting of all the various treaties, of Mansfield's Digest, and the laws of the United States applicable to the community, and entirely different from the laws governing any other community in the United States. With these laws our people are familiar, and with these laws no other people have any such familiarity, and when we change them we wish to change them in our own way, retaining what we have found to be serviceable, and changing what we have found not suited to our conditions. We naturally wish and claim the right to do this without interference from any other community or people.

The people of Sequoyah have a natural right to self-government which is undeniable and which should not be questioned by anyone. We comprise three-quarters of a million of educated, industrious, thrifty law-abiding citizens, people of pure American stock.

(h) We have a natural right to make the laws necessary for our comfort, convenience, for our moral and material improvement and well being. Hundreds of thousands of our children are growing up without proper means of education, to become criminals, because of ignorance, when we are willing to pay for their schooling, if we only had legal means of providing for it. We have no way to care for the insane. We have no way to care for the deaf, dumb and blind. We have no way to care for the sick, the halt, the lame or our pauper classes. We have no way to provide for the speedy hearing of criminal or civil cases. Our citizens accused languish in jail for long periods of time, waiting the administration of justice through the insufficient Federal Courts, which exercise jurisdiction from small misdemeanors up to murder. We have a natural right to make laws suitable to control crime and vice in our midst and promote virtue and good citizenship.

We have a right to make laws which will provide for the

safety, comfort, convenience and happiness of our people. We have a right to make laws which will prevent the introduction of intoxicants into our country, and we ought not to be compelled to consult the wishes of another community, which is strongly in favor of the free introduction and sale of intoxicating liquors.

(i) We have a natural right to organize a government of our own through which we can protect our citizens from the suits now contemplated by the railroads, which are trying to deprive our allottees of a belt of country running through the Indian Territory ten miles on either side of the Missouri, Kansas & Texas Railroad, and probably twice the area per mile on the Frisco Railroad.

The Missouri, Kansas & Texas Railroad Company, in a report to its stockholders for the year ending June 30, 1905, contained the following:

"Land Grant and Statehood."

"The bill pending in Congress of the United States for the admission of Oklahoma and Indian Territory as States of the American Union, failed to pass at the last session. The bill as it passed the House was amended in the Senate, and went to a conference committee of both bodies, which failed to agree and Congress adjourned without final action. The failure resulted from a disagreement of the House and Senate as to certain provisions of the bill, which provided also for the admission of the Territories of New Mexico and Arizona.

"It is confidently expected that favorable action will be taken at the coming session, which begins in December, and that the hopes of the people of Oklahoma and Indian Territory, and of your Company will be realized, by the admission of these Territories to Statehood.

"The governmental authorities of the State of Kansas have agreed to bring these suits in their name as a State, to test the rights of our Company to its land grant in the Indian Territory.

"As the grant was to the State of Kansas for the benefit of your Company, the bringing of the suit will be in its capacity as Trustee. These suits will be brought in the United States court and as the Supreme Court, has original jurisdiction of suits by States, an earlier determination of the matters involved is now anticipated than could be attained in any other way."

The joint statehood propaganda has been engineered and dominated by the attorneys of the railroads of Indian Territory. The National Committeeman of the Democratic party is an attorney for the M. K. & T. Railroad, and the National Committeeman of the

Republican party is an attorney for the Frisco Railroad. In case of a joint State, the railroad attorneys would exercise a dominant influence, and we have cause to fear that a joint State would not properly protect the interests of our people in these suits with the railroads.

Is it not natural that the people of Sequoyah should fear the joint statehood so unanimously advocated by these railroad people, who have secured positions in the party machines, which would make them exceedingly influential in the first nominations of judges, of the Attorney General, and in the legislative and executive departments? Is it not natural that they should fear that in a State so organized, with its first official nominations made under such influences, the State defense of the Indian allottees, lying within ten miles of either side of these railroads will be as ineffectual as possible, and that compromises might be made favorable to the corporations and unfavorable to the allottees.

(j) We have a natural right to be recognized as a distinct and self-governing people, because of the peculiar character of our population, and as practically all of the land of the Indian Territory is owned by the Indian people. These Indian people live in comparative happiness, and on terms of social equality with our citizenship which has come in from the States. The Indians and the white children go to the same schools. In a union with Oklahoma, the people of Oklahoma, who have been in contact with the wild tribes only (necessarily extremely ignorant and unlearned in all of the refinements of life, and who have been degraded by the open saloons of Oklahoma), would naturally have sentiments in regard to the Indians that would make them unfriendly and inconsiderate toward the Indians of the Indian Territory. There would be a strong tendency to discriminate against the Indians of the Indian Territory, both socially and as to their property and civil rights. The purpose of the statesmen of Oklahoma to deal unfairly with the people of Sequoyah, has been demonstrated by the various bills which they have introduced, as the Doyle bill and the Hamilton bill, giving Oklahoma entire control of the election machinery and a controlling majority in the proposed constitutional conventions.

In the recent joint State propaganda they have been guilty of continued and gross misrepresentations widely and actively disseminated through the public press. They have held repeated mass meetings, called conventions, to which no citizens were invited, and in which no citizens were permitted to participate unless they were known to have the same peculiar views as the promoters of the joint State propaganda. The members of these so-called statehood conventions from Indian Territory have been, as a rule elected

by very small gatherings of citizens frequently held in private, so that as far as Indian Territory is concerned the conventions represented little beyond their own membership. The joint State advocates have never been willing to submit the question to the people for a vote, but on the contrary have tried to prevent a vote and when they could not prevent the vote on the constitution of the State of Sequoyah, nevertheless they succeeded in recording nine thousand votes against it, in a total of sixty-five thousand. This vote of nine thousand embraces not only those favoring joint statehood, but also those influenced by the railroads and those favoring the introduction of intoxicants into the Indian Territory, and corporations and individuals opposed to any change which will inaugurate a system of taxation.

We are entitled to the rights we claim as American citizens, and the denial of these rights is a grievous wrong against us, which is but little short of a national scandal.

We are entitled to these rights by numbers.

We are entitled because of our citizenship and the constitutional right attaching thereto of equality with other citizens in the matter of self-government.

We are entitled on account of our industry, thrift and our material and moral worth.

We are entitled to it by virtue of the magnificent territory we occupy.

We are entitled to it by the immense resources of our Territory, developed and undeveloped.

SECOND.

Sequoyah is entitled under the Treaties and Laws.

The United States in the Treaty with France of April 3, 1803, in the Third Article, relating to the lands of the Louisiana Purchase, contracted and agreed with France, as follows:

"The inhabitants of the ceded territory shall be incorporated in the Union of the United States, and admitted as soon *as possible, according to the principles of the Federal Constitution* to the enjoyment of all the rights, advantages, and immunities of citizens of the United States." (8 U. S. Stats., 200.)

The earliest date possible for the admission of the State of Sequoyah under the treaties of the United States, is March 4, 1906, as set forth in its agreements with the five civilized nations of Indians.

The principles of the Federal Constitution referred to are set

out in the ordinance and compact of July 13, 1787, and in the Constitution in Article 4, Section 3, as follows:

"New States may be admitted, by the Congress, into this Union; but no new State shall be formed or erected within the jurisdiction of another State; nor any State be formed by the junction of two or more States, or parts of States, without the consent of the legislature of the States concerned as well as of the Congress."

"American Insurance *vs.* Canter, 1 Pet., 511.
"Pollards Lessee *vs.* Hagan, 3 How., 212.
"Cross et al *vs.* Harrison, 16 How., 164."

Article 4, Section 4. "The United States shall guarantee to every State in this Union a Republican form of Government."

The Ordinance of 1787 authorizes each new State with 60,000 free inhabitants to adopt a Republican Constitution and demand admittance as a contract right.

The rights granted by the Treaty with France have been carried out as to all parts of the Louisiana Purchase, except in the case of the inchoate States of Sequoyah and Oklahoma. Under the principles and treaty referred to, they now have, severally, a right to adopt a constitution and demand admittance.

Prior to the existence of the United States, the Cherokee Nation, the Choctaw Nation, the Chickasaw Nation, the Creek Nation and the Seminole Nation had been from remotest antiquity independent sovereignties, governing themselves, and were so recognized by the United States, and their right of self-government was confirmed and continued by the express stipulations of various treaties, wherein the United States contracted and agreed that these communities should continue to exercise the unrestricted right of self-government. For instance, it was agreed with the Creeks and Seminoles. Article 15, Treaty of 1856.

"The Creeks and Seminoles shall be secured in the unrestricted right of self-government." (Rev. Ind. Tr., 111.)

"And with the Choctaws and Chickasaws, Article 7, Treaty of 1855, the United States contracted:

" 'That the Choctaws and Chickasaws shall be secured in the unrestricted right of self-government.' " (Rev. Ind. Tr., 277.)

And with the Cherokees, the United States contracted, Article 5, of the Treaty of 1835, as follows:

"But they shall secure to the Cherokee Nation the right, by their National Councils, to make and carry into effect all such laws as they may deem necessary for the government and protection of the persons and property within their own country, belonging to their people, or to such persons as have connected themselves with them." (Rev. Ind. Tr., 69.)

The States of North Carolina, South Carolina, Georgia, Florida, Tennessee, Alabama, and Mississippi, between 1820 and 1830, demanded of the United States that the five nations should be removed from within the boundaries of these States. The United States found great difficulty in inducing the Indians to agree to this, as the Indians had a treaty right to the land and to independent self-government. A bitter contest ensued between the State governments and the Indian governments, in which finally the Indian people were induced by the Federal Government to remove, upon the assurance that no State or Territory should ever thereafter have any right to pass laws as to them, and that no part of the lands sold to them in Indian Territory should ever be embraced within the limits of any State or Territory, without their consent, as follows:

Treaty with the Cherokees of 1835.

Article 5. "The United States hereby covenants and agrees that the lands ceded to the Cherokee Nation in the foregoing article shall in *no future time, without their consent, be included within the territorial limits or jurisdiction of any State or Territory.*" (7 U. S. Stats., 481.)

Choctaw and Chickasaw Treaty of 1830.

Article 4. "The government and people of the United States are hereby obliged to secure to the said Choctaw Nation the jurisdiction and government of all the persons and property that may be within their limits, west, so that no *Territory or States* shall *ever* have a right to *pass laws* for the government of the Choctaw Nation of red people and their descendents, and that *no part of the land granted them shall ever be embraced* in any *State or Territory.*" (7th U. S. Stats., page 334.)

Treaty with the Creeks and Seminoles of 1856.

Article 4. "The *United States do solemnly agree* and bind themselves that no *State or Territory should ever pass laws* for the *government of the Creek or Seminole Tribes of Indians,* and that *no portion of either of their tracts of country* defined in the first and second articles of this agreement shall *ever* be embraced or *included within,* or annexed to any Territory or State, nor shall *either* or *any part* of either ever be erected into a *Territory without the free and full consent,* or *without the legislative authority of the tribe owning the same.*" (Rev. Ind. Treaties, 106.)

Upon these treaties, the Indians have confidently relied, and looked forward to the time when they would have the right to the establishment of an independent State in Indian Territory, which they were led to believe by the authorities of the United States was the intent and purpose of these treaties.

This sentiment is illustrated by the Preamble of the Treaty with the Cherokees of 1828, as follows:

"Whereas, it being the anxious desire of the Government of the United States to *secure to the Cherokee Nation of Indians as* well as those now living within the limits of the Territory of Arkansas, as those of their friends and brothers, who reside in the States East of the Mississippi, and who may wish to join their brothers of the West, a permanent home, which shall, *under the most solemn guarantee of the United States*, be and remain theirs forever—*a home that shall never, in all future time*, be embarrassed by having extended around it the laws, or placed over it the jurisdiction of a Territory or State, nor be pressed upon by the extending, in any way, of any of the limits of any existing Territory or State." (Rev. Ind. Tr., 56, etc.)

In pursuance of this declared policy, the United States contracted with the Cherokees, by the Treaty of 1835, as follows:

Article 7. "The Cherokee Nation having already made great progress in civilization, and deeming it important that every proper and laudable inducement should be offered to their people to improve their condition, as well as to guard and secure in the most effectual manner, the rights guaranteed to them in this treaty, and with a view to *illustrate the liberal* and *enlarged policy of the government of the United States toward the Indians in their removal beyond the territorial limits of the States*, it is stipulated that they shall be entitled to a *delegate in the House of Representatives of the United States* whenever Congress shall make provision for the same."

The lands of the Indian Territory were sold to the Indian Nations for tracts of country of great value, which the United States has retained and disposed of, and they were induced to come to the Indian Territory as a country.

"Outside of the territorial limits of the State sovereignties, where they might *establish* and enjoy a *government* of their choice and *perpetuate such a State or society* as may be *most consonant with their views, habits, and conditions,* and as may tend to *their individual comfort and advancement in civilization.*" (Rev. Ind. Tr., 65.)

By the various treaties of 1866, the United States in pursuance of the plan of establishing independent governments for the people

and country of the five civilized tribes, expressly stipulated and agreed upon the establishment of a general Council for Indian Territory, with full powers of legislation, in the nature of a territorial government, with the right to enact and enforce their laws.

(Cherokees, Art. 12., R. I. Tr., 90.)
(Creeks and Seminoles, Art. 10, do, 119.)
(Choctaws and Chickasaws, Art. 8, R. I. Tr., 289.)

The guarantees as to statehood and self-government were re-affirmed by the United States in the Treatry of 1866, as follows:

Cherokees: "Art. 31. All provisions of treaties heretofore ratified and in force, not inconsistent with the provisions of this treaty, are hereby re-affirmed and declared to be in full force." (Rev. Ind. Tr., 27.)

Creeks: "Art. 12. The United States re-affirms and re-assumes all treaty stipulations with the Creek Nation entered into before 'x x' 1861, not inconsistent herewith." (Rev. Ind. Tr., 121.)

Seminoles: "Art. 9. The United States re-affirms and re-assumes all the obligations of treaty stipulations entered into before 'x x' August 1, 1861, not inconsistent herewith." (Rev. Ind. Tr., 817.)

And of like purport was the treaty with the Choctaws and Chickasaws, which makes void only those treaties and parts of treaties inconsistent with the Treaty of 1866. (Rev. Ind. Tr., 303.)

In the Choctaw and Chickasaw Treaty, in Section 13, it was provided that the General Council for Indian Territory, above referred to, should consist of an Upper and Lower House with such relations to each other:

"As prevail in the States of the United States, etc." (Rev. Ind. Tr., 292.)

On March 30, 1871, the Congress of the United States passed the following act:

"Provided that hereafter no Indian Nation or tribe within the Territory of the United States shall be acknowledged or recognized as an independent nation, tribe or power, with whom the United States may contract by treaty: Provided, further, that nothing herein contained *shall be construed to invalidate or impair the obligation of any treaty heretofore lawfully made and ratified with any such Indian nation or tribe.*" (16 State., 566.)

The Supreme Court has held that in effect this act re-affirms all lawful treaty obligations.

On March 1, 1889 (25 State., 757), the Creek Nation ceded to the United States:

"Without reservation or condition, full and complete title to

the entire western half of the domain of the said Muskogee or Creek Nation, lying west of the division line, surveyed and established under the said Treaty of 1866, and also grants and releases to the United States all of their claim, estate, right or interest of any and every description in or to any or all land and Territory whatever, except so much of the said former domain of the said Muskogee or Creek Nation as lies east of said line of division, surveyed and established as aforesaid, and is now held and occupied as the home of the Nation."

And it is further stipulated and agreed in this contract as follows:

"V. No treaty or agreement heretofore made and now subsisting *is hereby affected, except so far as the provisions hereof supercede and control the same.*"

On March 2, 1889, a similar contract was made with the Seminole Nation, ceding the western part of their domain in like manner to the United States. (25 Stats., 1004.)

On March 2, 1891, Congress authorized the President to negotiate with the Cherokees and other Indians, owning or claiming land west of the ninety-sixth degree of Longitude in the Indian Territory, for the cession to the United States of all their title, claim or interest of every kind or character in and to said land.

Congress immediately opened the land bought of the Creeks and Seminoles to settlement, and erected the Territory of Oklahoma. (26 Stats. 81.)

This Act declared:—

"That all that portion of the United States now known as the Indian Territory, except so much of the same as is occupied by the five civilized tribes and the Indian tribes within the Quapaw Indian Agency, and except the unoccupied part of the Cherokee out-let, together with that portion of the United States known as the Public Land Strip, is hereby erected into a temporary government by the name of Oklahoma."

The Cherokee out-let was excluded as above, subject to further negotiations with the Cherokees. This Act provided:

"Any other lands within the Indian Territory not embraced within this boundary shall hereafter become a part of the Territory of Oklahoma whenever the Indian Nation or Tribe owning such lands shall signify to the President of the United States in like manner its assent that such lands shall so become a part of the said Territory of Oklahoma, and the President shall thereupon make proclamation to that effect. Congress may at any time thereafter change the boundaries of said Territory to attach any portion of the same to any state or territory of the United States without the con-

sent of the inhabitants of the territory hereby created Oklahoma: Provided, that nothing in this act shall be construed to impair any right now pertaining to any Indians or Indian Tribe in said territory under the laws, agreements and treaties of the United States, or to impair the rights of persons or property, pertaining to said Indians."

In effect this reaffirms the treaty guarantee.

The Act of May 2, 1890, established the government of the Territory of Oklahoma with full Territorial powers, executive, legislative and judicial, and the Territory of Oklahoma constructed a full code of laws for the government of their people: a code of laws entirely different in every respect from the laws in force in Indian Territory. It is not pretended that any of the Indians of the five civilized tribes have *consented* in any manner that their land in Indian Territory proper should be attached to Oklahoma, or to have the laws of Oklahoma extended over them; on the contrary, each and every one of the five civilized tribes have vigorously protested against union with Oklahoma. (Exhibit A.)

By the general statutes of the United States in regard to Territories in chapter, 1, giving the provisions common to all the Territories (Rev. Stat. 1878, 325) appears the following statute:

Section 1839. "Nothing in this title shall be construed to impair the rights of persons or property pertaining to the Indians in any Territory, *so long as such rights remain unextinguished by treaty between the United States and such Indians, or to include any Territory which, by treaty with any Indian tribe, is not, without the consent of such tribe,* embraced within the Territorial limits or jurisdiction of any State or Territory; but all such territory shall be excepted out of the boundaries; and *constitute no part of territory now or hereafter organized until such tribe signifies its assent to the President to be* embraced within a particular territory."

This statute and the spirit of this statute is in full force.

The Cherokee out-let in Oklahoma was opened to settlement September 16, 1893, under an agreement with the Cherokees (27 Stat. 642) and the leased district in Oklahoma was open to settlement under agreement with the Choctaws and Chickasaws in like manner. (27 Stats. 1018, etc.)

In view of this unbroken history, the Congress on March 3, 1893, passed the following act (27 Stats. 645) creating the commission to the five civilized tribes and authorizing it to negotiate with the five civilized nations *"for their consent."*

"Section 16. The President shall nominate, and, by and with the consent of the Senate, shall appoint three commissioners to enter into negotiations with the Cherokee Nation, the Choctaw Nation, the Chickasaw Nation, the Muskogee (or Creek) nation, and the

Seminole Nation, for the purpose of extinguishing the national and tribal title to any lands within the territory now held by any and all of such nations or tribes, either by cession of the same, or some part thereof, to the United States, or by the allotment and division of the same in severalty among the Indians of such nations or tribes, respectively, as may be entitled to the same, or by such other method as may be agreed upon between the several nations and tribes aforesaid, or each of them, with the United States, with a view to such an adjustment, upon the basis of justice and equity, as may, *with the consent of such nations* or tribes of Indians, so far as may be necessary, be requisite and suitable *to enable the ultimate creation of a State or States of the Union which shall embrace the lands within said Indian Territory.*"

The commissioners were further instructed to induce the five nations to allot their lands and to agree to survey and provide for such allotment with the consent of the Indian people in the following language:

"The said commissioners shall, however, have power to negotiate any and all such agreements as, in view of all the circumstances affecting the subject, shall be found requisite and suitable to such an arrangement of the rights and interests and affairs of such nations, tribes or bands of Indians, or any of them, *to enable the ultimate creation of a Territory of the United States with a view to the admission of the same as a State of the Union.*" (27 Stats. 645.)

In pursuance to this authority, the commission to the five civilized tribes, Honorable Henry L. Dawes, Meredith J. Kidd and Archibald S. McKennon, on July 25, 1895, made the following proposition to the Creeks:

"Eighth: If an agreement shall be reached with the Creek Nation *a territorial form of government may be formed* by Congress and established *over the Territory of the Creek Nation and such other of the five civilized tribes* as may have at that time agreed to the allotment of lands and change of government."

"Tenth: The present tribal government to continue in existence until after the lands are allotted and the allottees put in possession—each on his on land—after which territorial government may be established by Congress."

On the 22d of April, 1894, the said Commissioners made the following proposition to the Choctaws and Chickasaws:

"Seventh: If an agreement shall be reached with the Choctaws and Chickasaws, *a territorial form of government shall be formed over the Territory of the two nations*, by Congress, and *such other of the five civilized tribes*, as may have at the time allotted their lands and agreed to the change of government."

On the 25th day of July, 1894, the said Commission made the following proposition to the Cherokees:

"If an agreement shall be reached with the Cherokee Nation *a territorial form of government may be formed* by Congress and established *over the Cherokee Nation, and such other of the five civilized tribes,* as may have at the time agreed to allot their lands, and change the government."

"The present tribal government to continue in existence until after the lands are allotted, and the allottee put in possession of his own land, after which the territorial government, may be established by Congress."

The said Commission on the 26th day of July, 1894, made the following proposition to the Seminoles:

"Seventh: If an agreement shall be reached with the Seminole Nation, *a Territorial form of government may be formed* by Congress and *established over the territory of the Seminole Nation and such other of the five civilized tribes* as may have at the time agreed to the allotment of lands, and change of government."

"Ninth: The present tribal government to continue in existence until the lands are allotted, and the allottee put in possession, each one of his own land, after which a territorial government may be established by Congress."

The Choctaws replying to the proposition of the Dawes Commission on the 16th day of November, 1896, accepted the proposition with regard to the proposed territorial government of the Indian Territory in the following counter proposition:

"Seventh proposition to be modified so that tribal government of the Choctaw Nation will continue in existence until after the lands are divided: Citizens put in possession of their lands, agreement otherwise put into execution, and a reasonable time for the Choctows to adjust themselves to the new lines and their changed condition, *after which time the United States may create a State out of the Indian Territory.*"

On December 18, 1896, the United States Commission to the five civilized tribes, Henry L. Dawes, Frank C. Armstrong, Archibald S. McKennon, Thomas B. Cabaness and Alex. B. Montgomery, agreed with the Choctaws upon the modification of the Choctaw government as follows:

"It is further agreed in view of the modification of legislative authority and judicial jurisdiction herein provided and the necessity of the continuance of the tribal government, so modified, in order to carry out the requirements of this agreement that the same shall continue for the period of eight years from the fourth day of March, next, this stipulation is made in the belief that the tribal

governments so modified will prove so satisfactory that there will be no need or desire for change, *till the lands now occupied by the five civilized tribes shall in the opinion of Congress be prepared for admission as a State of the Union.*"

At a general convention of the Commissioners of the Choctaws, Chickasaws, Creeks, Cherokee and Seminole nations at South McAlester, November 12, 1896, it was declared by suitable resolutions, among other things, that the earnest and repeated insistance of the United States demanding a relinquishment of the tribal governments would involve the following:

"Our people must relinquish a government to which they are most deeply attached, they must give up their customs and habits which they have observed for very many years, and which have become essential to their happiness.

"They must conform to duties and habits to which they are totally unaccustomed and which would be irksome and unpleasant in the extreme, and especially to the thousands of non-English speaking people."

"Each individual will have to build new outside fences on north and south, east and west lines, according to the lines newly surveyed by the United States."

"Our citizens will have to move houses, fences, corrals, etc., and change their orchards, water supply, fields, etc., and other established improvements, to conform to these new lines of survey."

"Our citizens would lose their free pasturage of cattle that have formerly grazed on the open range, will require the building of fences around small pastures for such cattle, and providing necessary forage for such stock."

'Our people who have formerly gotten their winter's supply of meat and annual food from swine on the open mast, will be compelled to bring them home and build special close pens and provide food for them."

"Our people will be driven to abandon all the previously constructed roads, and must of necessity build new roads for traveling North and South, East and West, which will impose a new expense on our people."

"Our people, will, under the new conditions, be required to come in close personal contact with numerous impecunious persons from other States, who will endeavor to better their condition in the Indian country, and will subject our people to the same line of small, exasperating, and aggressive trespassing that drove the Indians in Kansas, the Shawnees, Delawares and Pottawatomies and others, out of the State for refuge in the Indian Territory."

This convention also declared as follows:

"We will never consent to a territorial government or to union with Oklahoma Territory."

"Eighth: When the change of government takes place we will ask that the proposed agreement *provides admission as a State of the Union,* with constitutional provisions irrepealable, *protecting the property rights and the political privileges of our people. The constitution to be made by our own people, with absolute prohibition of the liquor traffic."*

"We represent 85,000 sober, industrious, self-supporting and God fearing people; owners of the entire soil of the Indian Territory, by solemn treaty and patented title; people who came to a wilderness, driven by force, and made it a cultivated land; people who have erected schools, churches and Courts of Justice and governments under which they have found safety and happiness."

"We rely upon the justice of our cause and the guidance of Divine Providence and we appeal to the moral sentiment of a great and magnanimous nation, in whose hands our ultimate Destiny rests and in whose honorable life and history we have earned a decent and honorable place." (See correspondence Dawes Commission February 18, 1897.)

On June 28, 1898, the Congress of the United States as a part of the Curtis Act, passed the Choctaw and Chickasaw agreement containing the provision above referred to as follows:

"It is further agreed, in view of the modification of legislative authority and judicial jurisdiction herein provided, and the necessity of the continuance of the tribal governments so modified, in order to carry out the requirements of this agreement, that the same shall continue for a period of eight years from the fourth day of March, 1898. This stipulation is made in the belief that the tribal governments so modified will prove so satisfactory that there will be no need for further change *till the lands now occupied by the five civilized tribes shall, in the opinion of Congress, be prepared for admission as a State of the Union."*

The Dawes Commission personally explained repeatedly to the representatives of the five nations, that if they would agree to give up their tribal governments and land patents they would get an independent State for the lands occupied by the five civilized nations. For the evidence of this we confidently refer to Honorable A. S. McKennon, the surviving member of the Commission, and to Miss Anna L. Dawes, daughter of Senator Dawes, and who was present and familiar with the proceedings.

These various treaties and laws constitute a convincing historical record showing that from the time of the French Treaty in 1803, it was the intention of the United States to erect state governments

out of the different communities of the Louisiana Purchase, according to the principles so well understood, and that the United States bound itself so to do. That, in pursuance of this agreement, the United States did so admit Louisiana, Arkansas, Missouri, Iowa, Nebraska, Minnesota, Kansas, North and South Dakota, Wyoming and Montana, *as a matter of right.* The United States further contracted with the five civilized tribes, as clearly appears, that no State or Territory should be extended over them without their consent, that they should have the unrestricted right of self-government; and after the United States determined to establish the Territory of Oklahoma as an independent community, separate and apart, and had thus established *Oklahoma as an inchoate State,* with officers and laws of their own making, the United States, thereafter, further continued its agreement with the five civilized tribes by reiterating the promises of the treaties, and providing that *out of the lands at that time* (1898) *occupied by the five civilized nations, with their consent, should be erected a State.*

Sequoyah is therefore entitled to statehood *under the Treaty with France, the treaties with the five civilized tribes, the contracts and agreements from* 1893 *to* 1898, *as illustrated by the numerous propositions made by the Commissioners of the United States to the authorities of the five civilized tribes, as well as for other reasons cited.*

Sequoyah is entitled to Independent Prohibition Statehood.

For seventy years the United States has maintained prohibition in the Indian Territory, because of public sentiment, because of the desire of the Indians, and because it is well known that the introduction of intoxicants has always proven absolutely ruinous to the Indian people.

In the Cherokee Treaty, it was provided that the United States would prevent the introduction of intoxicants.

On June 28, 1898, the United States contracted with the Choctaws and Chickasaws, as follows:

"The United States agrees to maintain strict laws in the Territory of the Choctaws and Chickasaws against the introduction, sale, barter and giving away of liquor and intoxicants of any kind or quality." (See 30 Stats., 495.)

On December 16, 1897 (30 Stats., 568.), the United States contracted with the Seminoles as follows:

"The United States agrees to maintain strict laws in the Seminole country against the introduction, sale, barter or giving away of intoxicants of any kind or quality."

On May 1, 1901, the United States contracted with the Creek people (Sec. 43.) as follows:

"The United States agrees to maintain strict laws in the Creek

Nation against the sale or barter or giving away of liquors and intoxicants of any kind whatever." (31 Stats., 861.)

Only as a separate State can the people of Sequoyah carry out these Federal contracts, because even in Sequoyah there is a considerable element opposed to prohibition, and in Oklahoma the saloon element is strongly dominant, having many millions of dollars invested, and therefore deeply concerned to alter and amend any prohibitory agreement made by a joint State as a condition of admission. It is well understood as a matter of law, that Congress cannot bind the future State, although it may impose a temporary condition of admission. Public sentiment in Sequoyah will maintain the government guarantee. Public sentiment in a joint State would not be strong enough to carry out this Federal contract, with relation to prohibition, and therefore the admission of a joint State, even with a prohibition provision, would in effect be merely an evasion, and would result in a cruel betrayal of the expectations of the Indian people to remain free from the disastrous consequences of the liquor traffic.

On March 7, 1904, the President of the United States submitted to Congress the report of Honorable Charles J. Bonaparte now Secretary of the Navy, upon Indian Territory (S. Doc., 189-58. Con. 2d Ses., p. 25), in which the following declaration of principle and fact is made:

"To appreciate the situation one must remember the obligations of the Government to the so-called five civilized tribes. These tribes consented to give up their habitation in other parts of the United States and remove to the Territory in return for certain solemn and explicit pledges made to them by the United States in treaties ratified with all constitutional formalities and further evidenced by numerous official documents of the highest authority. The removal of these Indians to their new home was decided and effected by our Government to serve grave ends of public policy, and their consent constituted an ample consideration for the promises made them in return. *If these promises are not binding on the United States, then our Government and people can be bound by no treaty. If we do not scrupulously respect the rights flowing from these treaties, no one can reasonably place confidence in our national honor.*"

The people of the State of Sequoyah have unshaken confidence in the integrity of our Government, and in the preamble of their Constitution made the following declaration:

"Invoking the blessing of Almighty God and reposing faith in the constitution and treaty obligations of the United States, we, the people of the State of Sequoyah, do ordain and establish this Constitution."

THIRD.

Sequoyah Entitled Under the Constitution.

On July 13, 1787, an ordinance was passed providing for the government of the territories of the United States, northwest of the Ohio River, in which were laid down the principles which should govern the admission of States into the Union. This ordinance was re-enacted by the first session of the First Congress after the adoption of the Constitution. It was maintained in full force and never repealed, and is in full force to this day as a principle governing the admission of States of the Louisiana Purchase.

In Section 14 of this ordinance it was provided as follows:

"It is hereby ordained and declared by the authorities aforesaid that the following articles shall be considered as articles of compact between the original States and *the people and States in said Territory,* and forever remain unalterable, unless by common consent, to-wit:"

Then followed the *principles* of government which should control in the formation of new States.

First. The principle of freedom of worship.

Second. The principle of civil liberty.

The third article was, in part, as follows, to-wit:

"The *utmost good faith* shall always be observed toward the Indians; their lands and properties shall never be taken from them *without their consent,* and in their property, *rights and liberty* they never shall be *invaded or disturbed* unless in just and lawful war authorized by Congress."

Article 5 provided, among other things, as follows:

"And whenever any of the said *States* shall have 60,000 free inhabitants therein, *such State* shall be *admitted* by its delegates into the Congress of the United States on an equal footing with the original States in all respects whatever; *and shall be at liberty to form a permanent constitution and State Government;* provided the constitution and government, so to be formed, shall be Republican, and in conformity *to the principles* contained in these articles, and so far as it can be adjusted with the general interests of the Confederacy, such admission shall be allowed at an earlier period, and when there may be a less number of free inhabitants than 60,000."

These principles of State admission are in full force in Sequoyah under the Treaty with France of 1803 relative to the Louisiana Purchase.

Under this latter provision, Indiana was admitted with 24,520 people; Ohio with 45,365 people; Illinois with 55,211 people.

Subsequent to this ordinance of 1787 the Constitution of the United States was established in 1787-88, in which appears the following provision:

"Art. 4, sec 3. New States may be admitted by Congress into this Union, but no new State shall be formed or erected within the jurisdiction of any other State, nor any State be formed by the junction of two or more States, without the consent of the legislature of the States concerned, as well as Congress."

"Sec. 4. The United States shall guarantee to every State in this Union a Republican form of Government and shall protect each of them against invasion."

By Article 6, paragraph 2, of the Constitution the treaties were made the supreme law of the land, and on April 30, 1803, the United States entered into a Treaty with France in which reference was made to the *principles* above set forth as to the right of admission as States of the Union, and the following contract was agreed upon as to the inhabitants who might be found to occupy the lands of the Louisiana Purchase, as follows to-wit:

"The inhabitants of the ceded territory shall be incorporated in the Union of the United States and admitted as soon as possible according *to the principles* of the Federal Constitution, to the enjoyment of all the rights, advantages and immunities of citizens of the United States."

When the State of Arkansas was admitted on June 15, 1836 (5 Stats., 50), in the preamble to its constitution it recited:

"We, the people of the Territory of Arkansas, by our representatives in convention assembled, *having the right of admission into the Union, by virtue of the authority of cession by France of the Province of Louisiana*, etc."

This State was admitted on this basis.

Congress thus conceded her admission as having a treaty right according to the principles of the Federal Constitution.

It is therefore perfectly obvious that under *principles* laid down in the Constitution of the United States and the ordinance of 1787, which principles became effective in the Louisiana Purchase under the Treaty with France, that Sequoyah is entitled to admission as a State of the Union, and that it has a right to establish a constitution for the government of its own people in accordance with the *principles* laid down in the ordinance of 1787, and that it is the duty of the United States to admit the State of Sequoyah according to the principles of the Federal Constitution under which Ohio, Indiana, Illinois, Michigan, Wisconsin, Florida, Louisiana, Tennessee, Arkansas, and other States have been admitted in the past. But not only by constitutional right and an unbroken line of precedents are

we justified in claiming the rights of statehood, the Act of June 28, 1898, commonly known as the Curtis Act, fully acknowledged our right being in effect an enabling act, which reserved to Congress only the right of determining the date of our admission to the Union.

It is not according to the principles of the Federal Constitution that our community should be merged with some other community, against the wishes of both communities.

It is not according to the principles of the Federal Constitution that we be denied the right of self-government, which is enjoyed by other citizens of the United States. Under the Constitution we are entitled as a separate community and inchoate State to our own self-government, according to its true and proper interpretation.

It is well understood that our people are exceedingly dissatisfied with bureau government, and the government of the Indian Committees of the House and Senate on the Indian Appropriation Bills which annually pass Congress.

Under such a method of government our community, while rapidly progressing cannot make the advance possible under a better and more stable condition of government.

It has been suggested that the people of our State would rather have a half loaf than no bread, that they would be willing to compromise their rights of full statehood in order to have the right of being half a State, that they would be willing to sacrifice their treaty rights and their natural rights in order to obtain half of that to which they are justly entitled.

We respectfully submit that our Republic might exercise its great power and deprive us of a full measure of justice, but that such an act would be odious and against the interest, not only of our people, but against the interest of the Republic itself, which cannot afford to do an act which would be regarded by many of its people as an act of bad faith made far worse because done to a powerless and distressed people.

Shall our own Government, on whose nobility we rely, take advantage of our distress to extort and wring from us the surrender of our conceded treaty contract rights?

Are we to be humiliated and denied any relief unless we consent to compromise the debt for half?

We respectfully demand, and shall continue to demand, however irksome and distressing, the pay of the Government obligations at par. The debt will not be compromised by us. It must be paid or repudiated. Repudiation of its obligations will be a new page in the history of our great Republic.

Sequoyah Entitled to Admission by Precedent.

In various instances States have been made out of other States, but in no instance have States and Territories been forced together, and no such right was granted the United States in the Constitution.

The Constitution of the United States, Art. 4, Sec. 3, provides:

"No new State shall be formed or erected within the jurisdiction of any other State, nor any State be formed by the junction of two or more States, or parts of States, without the consent of the legislature of the State as well as of the Congress."

It was under the above section of the Constitution that Vermont was carved out of New York, Kentucky from Virginia, Maine from Massachusetts, Tennessee from North Carolina, and West Virginia from Virginia. The people of these States organized themselves, and in due course were admitted as a matter of right, under the terms of the Constitution.

In admitting Maine Congress declared that:

"The people of that part of Massachusetts heretofore known as the District of Maine, did with the consent of the legislature of said state of Massachusetts, form themselves into *an independent State* and did establish a constitution for the government of the same."

And thereupon the Act for admission declared:

"Maine to be one of the United States of America."

The States of the Northwest Territory, Ohio, Indiana, Illinois, Michigan, and Wisconsin, were admitted as a matter of right, under the ordinance of 1787, continued in force by an Act of the first Congress, after the adoption of the Constitution.

Tennessee was ceded to the United States by the State of North Carolina with the same rights as secured by the ordinance of 1787, to the inhabitants of the territory northwest of the Ohio River, and was admitted *as a matter of right.*

The States of Arkansas, Iowa, Kansas, Nebraska and nine other States of the Louisiana Purchase, were admitted *as a matter of right* under the third article of the Treaty with France of April 30, 1803, to-wit:

"The inhabitants of the ceded Territory shall be incorporated into the Union of the United States, and admitted as soon as possible according to the principles of the Federal Constitution, to the enjoyment of all the rights, advantages and immunities of citizens of the United States."

Florida was in like manner admitted *as a matter of right* under the Treaty with Spain of Februrary 22, 1819, to-wit:

"Art. 6. Inhabitants of the territory which his Catholic Majesty cedes to the United States by this Treaty shall be incor-

porated into the Union of the United States as soon as may be consistent with *the principles of the Federal Constitution,* and admitted to the enjoyment of all the privileges, rights and immunities of citizens of the United States." (8 Stat. 252.)

In like manner Utah, California, Nevada, Colorado were admitted to the Union under the Treaty with Mexico of February 2, 1848.

Previous Enabling Acts Not Necessary.

Tennessee, Michigan, Iowa, Wisconsin, California, Kansas, Oregon, Nevada, Nebraska, Colorado, Arkansas, Florida, West Virginia, Wyoming, and Idaho, as well as Vermont, Kentucky and Maine held contsitutional conventions without the authority of an enabling act of Congress, and in many instances these were first recognized as States and then admitted to the Union by the Congress of the United States as a matter of right.

When Wyoming was admitted, the Act of Congress recited (26 Stat. 222):

"Whereas the people of the Territory of Wyoming, did on the third day of September, 1889, by convention of delegates called and assembled for the purpose of forming for themselves a constitution, which constitution was ratified and adopted by the people of said Territory, at the election held therefor, on the first Tuesday in November, 1889, which constitution is Republican in form and is in conformity with the Constitution of the United States, and whereas said convention and the people of the said Territory have asked admission of said Territory into the Union, as a State, on an equal footing and with equal rights."

Wyoming was thereupon declared to be a State of the United States, and the constitution they had formed was ratified and confirmed.

Idaho in like manner was admitted July 3, 1890 on her own initiative as a matter of right. (26 Stats. 215.)

With these precedents and well established rights Sequoyah feels fully justified, as an inchoate State, in establishing her constitution and submitting it to Congress for approval.

Sequoyah is entitled to separate Statehood because the people to be governed wish it. The wishes of our people are shown by our vote.

The wishes of the people of Oklahoma have been heretofore frequently declared by its representatives.

The delegate to Congress from Oklahoma, to the 57th Congress, Honorable D. T. Flynn, assured Congress that the people of Oklahoma desired a separate State.

Honorable B. S. McGuire, delegate to the 58th Congress from Oklahoma made the same representations, and he was confirmed in his statements by Ex-Governor A. J. Seay of Oklahoma, and Ex-Governor C. M. Barnes of Oklahoma, and by Honorable C. M. Cade, Chairman of the Republican Executive Committee. (See Exhibit B.) Oklahoma has recently appeared to acquiesce in the proposition made in the 58th Congress to merge Oklahoma and Indian Territory, because Oklahoma has been assured by her delegate that the Congress of the United States would not grant them separate Statehood. It avails nothing that such advice was not completely authorized. It has served the purpose of reducing the people to the silence of despair. But is it honorable for a Government to deny a Territory its full right in order to coerce its people to accept the forced compromise of half its due?

FOURTH.

What is more important to the Republic itself than the performance of justice to three-fourths of a million of its children in Sequoyah, entitled as they are by every legal and natural right to separate and independent Statehood?

What is more important to the Republic itself than the maintainance of its honor before all the world, and especially before its own sons and daughters, by the faithful performance of its duties, its pledges, and the scrupulous fulfillment of its contracts?

The United States stands as a beacon light to all the Nations of the world, white, black, yellow, and red, civilized and uncivilized, as a people whose standard of integrity is the most exalted and this reputation of the United States places it upon the highest pinnacle of all that is great and honorable, and makes every race and Nation look to it as the hope and inspiration of the entire human race. It is to the interest of the Republic itself to maintain this high standard.

One of our great national sayings is "That in Union there is strength," but the best form of union is that union which rests upon absolute justice, upon perfect reciprocal confidence and upon a square deal to all of its constitutent parts; upon the unshakable faith of every part of the union in the integrity of our government; upon the sincere affection and devotion of every part of the Union, based upon the fact that absolute reliance can be placed upon the fidelity of our government to its every obligation.

FIFTH.

Sequoyah is Entitled by the Pledges of Both National Parties.

Both of the great national parties of the United States have

pledged the people of the United States that they favored the admission of the Territories at the earliest practicable moment. The Republican National Convention in 1892 declared as follows:

"We favor the admission of the remaining territories at the earliest practicable date, having a due regard to the interests of the people of the United States."

In 1896 the Democratic National Convention declared:

"We favor the admission of the Territories of Arizona, New Mexico and Oklahoma into the Union as States, and we favor the early admission of *all the Territories,* having the necessary population and resources to entitle them to statehood."

In 1896, the Republican party in National Convention declared:

"We favor the admission of the *remaining Territories* at the earliest possible date, having due regard for the interests of the people of the Territories of the United States."

In 1900 the Republican National Convention in Philadelphia declared:

"We favor home rule for and the early admission to statehood of the Territories of New Mexico, Arizona and Oklahoma."

If Oklahoma were admitted as a State, who could then deny the State of Sequoyah like admission?

The Democratic Convention in Kansas City in 1900, declared:

"We denounce the failure of the Republican party to carry out its pledges to grant statehood to the Territories of New Mexico, Arizona and Oklahoma. We promise the people of these Territories immediate statehood and home rule during their condition as Territories."

The Democratic National Convention in St. Louis, in 1904, declared:

"We favor the admission of the Territories of Oklahoma, and Indian Territory. We also favor the immediate admission of Arizona and New Mexico as separate States and Territorial government for Alaska and Porto Rico."

Are these pledges to the nation of no avail? Is it possible that they will be consciously or wilfully evaded and broken?

SIXTH.

Sequoyah is entitled because it involves the welfare and the interest of the great Mississippi Valley, the future home of untold millions of people.

It is impossible for the full productive capacity of the vast domain of the State of Sequoyah to be developed under a bureau government.

No Indian citizens, except a small fraction, have a right to lease their lands for oils and minerals, except under difficult technical rules and regulations, which generally retard the progress of the oil and gas, coal and asphalt developments of Sequoyah. Until we have statehood the agricultural products and the full contribution of the State of Sequoyah to the great export trade of the United States must remain a fractional part of what would be under a perfect right of free self-government.

The development of our full productive capacity is of importance to the great Mississippi Valley, and we believe to the Union itself, because our great exports mean a substantial addition to the wealth of the whole Union from New York to San Francisco.

SEVENTH.

Union with Oklahoma, which has been suggested, would violate the Treaty with France of 1803, and the principles of the ordinance of 1787, and of the Constitution of the United States which does not permit Congress to merge two separate and independent communities together.

It would violate the treaty agreement with the Choctaws and Chickasaws of 1830, with the Cherokees of 1835, with the Creeks and Seminoles of 1856, in which they were guaranteed the unrestricted right of self government, and that no State or Territory should be extended over them without their consent.

It would violate the spirit and the letter of the Treaties of 1866 with the Choctaw and Chickasaw Nations, with the Cherokee Nation and with the Creek and Seminole Nations.

It would violate the Acts of Congress of March 3, 1893, and of June 28, 1898.

It would violate the representations and promises made to the five civilized tribes by the Dawes Commission.

It would violate the recent pledges made by the United States to maintain prohibition forever in the lands occupied by the five civilized tribes.

It would do violence to the wishes of the people of Sequoyah.

It would be contrary to the wishes of the people of Oklahoma.

It would be taking a grossly unfair advantage of the necessities of the people of Sequoyah and of the people of Oklahoma, as a means of forcing them to an ignoble compromise.

It would violate every precedent in the previous admission of States, which never, in the history of the Republic, has witnessed the merger of two States or of two Territories even with their consent, much less against their consent.

It would refuse to extend to the people of Sequoyah and of Oklahoma their natural right of independent self-government. It would compel the people of Sequoyah to support all the State institutions established by another community and located in a section of country separate and apart from their own. It would compel the people of Sequoyah to go into a bitter contest with the saloon element of Oklahoma in the matter of prohibition.

It would compel the people of Sequoyah to consult the authorities of Oklahoma in regard to defending the people of Sequoyah against the great railroad suits now pending, when such interference might be disastrous.

It would compel the people of Sequoyah to consult the people of Oklahoma with regard to their management and laws relating to every detail of life, when there are well known great differences of sentiment between the two communities.

The enormity of this wrong can only be conceived by proposing as an illustration that Maryland should have the right to pass laws for the government of Virginia, or that Connecticut should extend its policies and methods over the State of Rhode Island, or Pennsylvania over the people of New Jersey.

The people of Sequoyah would feel it to be an unspeakable wrong, to which they will never consent.

EIGHTH.

In view of the above treaty and contract rights and precedents early in July, 1905, the Principal Chief of the Cherokee Nation and the Principal Chief of the Choctaw Nation joined in the following call for a Constitutional Convention:

STATEHOOD CONSTITUTIONAL CALL.

To the Loyal, Patriotic Citizens, Greeting:

In view of the fact that the Government will complete allotting the Indian lands by the close of the fiscal year, the removal of restrictions and a settlement made with the Five Civilized Tribes by the Secretary of Interior, thus fully preparing the said country for a form of self-government at the said juncture; and the tribal relations cease by sanction of the several treaties on March 4, 1906; and it is not American or equitable, nor necessary to longer govern the aforesaid country, wholly by Federal Government, as at present, which is necessary in the absence of a Federal Territory or a commonwealth; the Five Civilized Tribes unanimously favor and seek separate, prohibition and independent statehood; the said privileges allowed by existing and inevitable treaties; and

Whereas, no form of procedure for the organization of new States is prescribed by the United States Constitution, or by any law of Congress, each case has been dealt with as it presented itself. In some cases Congress has taken the initiative by the passage of enabling acts; in others the movement has originated with the people of the proposed State, and Congress has, by appropriate acts, accepted and ratified the Constitution and State government proposed. Thirty-two new States have been added to the original thirteen. In the cases of Vermont, Kentucky, Tennessee, Michigan, Arkansas, Florida, Iowa, California and Oregon, there were no enabling acts. In the case of Nevada a constitution was formed without any enabling act, but was rejected by the people. The second constitution was formed under an enabling act. In the case of Wisconsin the constitution formed under the enabling act was rejected by the people and subsequently a new constitution was called which formed the constitution under which the State was finally admitted, and

Whereas, to deny the people of the Indian Territory, or any Territory the right to assemble in popular convention and to propose to Congress the admission of such territory or any part thereof into the Union, as a State, is to deny rights which we believe are guaranteed by the constitution. So long as the movement is subordinated to the constitution of the United States and to the existing territorial authorities, so long as the proposed State government is only such and assumes no function of an existing government, but awaits the recognition of Congress, the proceedings are justified by safe and abundant precepts, and do not carry any suggestion of a disloyal spirit or involve any danger of a conflict of authority; and

Whereas, such is the attitude of Indian Territory, and she has made herself ready and now respectfully, but urgently, asks to be endowed with the dignities and privileges of an American State: and

Whereas, the time is ripe to prepare, seek, and ask for a change of government and for a commonwealth:

Therefore, we deem it proper, just, right and prudent to call, and do call a constitutional convention for the Indian Territory, to convene in Muskogee on the 21st day of August, 1905, for the purpose of drafting and framing a grand and up to date constitution, and selecting a capitol and name for a new State carved out of the Indian Territory; and

Therefore, we empower the several mayors of the recording towns of the Indian Territory to act as chairman, and we respectfully call the people of their respective recording districts to gather in each recording town, en masse meeting, at 11:00 a. m. on the

7th day of August, 1905 (with notice in the recording town's newspaper), for the purpose to elect seven delegates and seven alternates to the constitutional convention at Muskogee, Ind. Ter., to effect an organism for a new State convention. Then 30 days thereafter to submit the new chosen constitution, name and capitol to the popular vote of the people for approval and to the next Congress for that body's ratification.

Principal Chiefs

W. C. ROGERS,
Cherokee Nation.
GREEN McCURTAIN,
Choctaw Nation.

J. A. NORMAN,
Secretary of Call.

Within a few days thereafter the following supplement to the above call was added, the call as thus amended being all approved and signed by the Principal Chief of the Choctaw Nation, the Principal Chief of the Creek Nation, the Principal Chief of the Seminole Nation and the Principal Chief of the Cherokee Nation, was published and circulated throughout all pars of the Indian Territory.

We, the Chief Executives of the Cherokee, Choctaw, Seminole, and Creek Nations, have in conference agreed to carry out the call for a Constitutional Convention made by the Principal Chief of the Choctaw Nation, and the Principal Chief of the Cherokee Nation, for August 21, 1905, it being adequate and binding upon all the Nations under their compact to convene at the call of any one of the Chiefs upon such matters as he may deem of vital interest.

With reference to the selection of delegates and alternates to represent the several Recording Districts of the Indian Territory, to be chosen on August 7, 1905, the Chief Executives will exercise supervision over all recording district conventions, in their respective Nations, provided that where a recording district is in two or more Nations, that jurisdiction over such district shall vest in the Chief Executive of the Nation wherein the recording town is located.

The original call for this convention is hereby modified and extended as follows.

On or before the 5th day of August each Chief Executive in jurisdiction as above specified will designate such person as he deems proper to act as presiding officer of said mass meetings for the selection of such delegates and alternates.

If for any reason such presiding officer should not appear and preside, then the meeting is authorized to fill the vacancy. A list of delegates and alternates selected at such meetings shall at once be certified by the Chairman to the Chief Executives of such Nations and such certificates thereupon being endorsed by said Chief Execu-

tives shall constitute the credentials necessary to entitle such delegates and alternates to membership in the Constitutional Convention to be held August 21, 1905. The Convention when assembled shall have full power to direct its subsequent proceedings.

W. C. ROGERS,
Principal Chief Cherokee Nation.
GREEN McCURTAIN,
Principal Chief Choctaw Nation.
P. PORTER,
Principal Chief Creek Nation.
J. F. BROWN, by P. PORTER,
Principal Chief Seminole Nation.
GEORGE W. SCOTT, Secretary.
Secretary's Address Kinta, I. T.

Under the above call so supplemented and fully published delegates were chosen to represent all the Recording Districts in the Indian Territory.

These delegates assembled in the City of Muskogee on August 21, 1905, organized a Constitutional Convention for the Indian Territory, including the Quapaw Agency, and adopted the Constitution of the State of Sequoyah. This constitution was extensively and thoroughly distributed, advertised and discussed by the people of all parts of the Indian Territory for sixty days. On November 7, 1905, at a public election, for which polling places were established to suit the convenience of every neighborhood, the people of the State of Sequoyah ratified, said constitution by an affirmative vote of 56,279, as against a negative vote of 9,073.

The significance of this vote for the ratification of the constitution will be better appreciated by a comparison with the votes for ratification of the first constitutions of some other States:

State.	Date.	Affirmative.	Negative.	Total.
Texas	1845	4,174	312	4,486
Iowa	1846	9,492	9,036	18,528
Wisconsin	1848	16,442	6,149	21,591
Minnesota	1857	36,240	700	36,940
Kansas	1861	10,421	5,830	15,951
West Virginia	1862	18,862	514	19,376
Nebraska	1866	3,938	3,838	7,776
North Dakota	1889	27,441	8,107	35,548
South Dakota	1889	37,710	3,414	41,124
Montana	1889	24,676	2,274	26,950
Washington	1889	40,152	11,879	52,031
Wyoming	1889	6,272	1,923	8,195
Sequoyah	1905	56,279	9,073	65,352

(The above figures, as to States already in the Union, are taken from Harper's Encyclopaedia of U. S. History.)

The said constitution was thereupon declared to be adopted by the people of the State of Sequoyah, and a copy thereof, as required by the constitution, was submitted to the President of the United States for transmission to Congress.

The constitution thus adopted and ratified has secured the formally expressed assent of the five civilized tribes to the change in their governments which it has been so solemnly and repeatedly promised them should never be made without their consent. The Principal Chief of the Creek Nation in joining in the Call for the Constitutional Convention acted under the advice of the leading members of the National Council, as shown in the accompanying paper. (See Exhibit C.) The National Council of the Choctaw Nation formally expressed its approval of the organization and constitution of the State of Sequoyah. (See Exhibit D.) The National Council of the Chickasaw Nation formally expressed its approval of the organization and constitution of the State of Sequoyah. (See Exhibit E.) The National Council of the Cherokee Nation formally expressed its approval of the organization and constitution of the State of Sequoyah. (See Exhibit F.)

It will be observed that the Indian authorities, in the Call for the Constitutional Convention invited all electors of the Indian Territory, non-citizens as well as citizens of Indian tribes to participate freely in the election of its members; also that the convention when assembled and organized was clothed with full authority and power to take all such further steps as might be found necessary for accomplishing the purposes for which it was called.

It will also be observed that the election for the ratification of the constitution on November 7, 1905, was held under approved rules and the administration of a non-partisan election board composed of gentlemen whose capacity and integrity are above question.

It will thus be seen that we have in a regular and constitutional way taken every step which should prepare and entitle us to recognition as a State of the Union, and that all legal obstacles to such recognition have been effectively and satisfactorily removed. We therefore, relying upon the absolute justice of our cause, most respectfully appeal to the Congress of the United States as the representatives of the people of our great Republic, to extend to us the full measure of justice to which we are obviously entitled, and that the State of Sequoyah be admitted, without further delay, into the Union, on an equal footing with the other States.

On behalf of the people of the State of Sequoyah, I have the honor to submit for your approval the constitution of this State.

Yours very respectfully,

P. PORTER,
President of the Constitutional Convention of the State of Sequoyah.

ALEXANDER POSEY,
Secretary.

EXHIBIT A.

Protest From Creek National Council.

We, your memorialists, the national council of the Muscogee or Creek Nation in regular session assembled, realizing that the Indians of the Five Civilized Tribes, namely, the Creeks, Choctaws, Chickasaws, Cherokees, and Seminoles, must soon discontinue their tribal relations and assume the responsibilities of the United States citizenship; and knowing that the Indians of the Five Tribes would be more fully protected in their property holding, and therefore better satisfied with their new surroundings if permitted to have a hand in shaping the policy of the government under which they will live in the near future; and knowing that the Indians would have more influence in the organization of a State formed out of Indian Territory alone, hereby adopt the recommendations of the chief executive of the Five Civilized Tribes issued in convention at Eufaula, Ind. T., May 21, 1903.

This convention was the outcome of a meeting held by the Indians of the Five Tribes at the same place on November 28, 1902, when they protested against any legislation by Congress whereby Indian Territory may be organized into a territorial government, or be annexed to Oklahoma, prior to March 4, 1906, the date fixed in the late agreement with the said Five Tribes for the dissolution of their tribal governments. The desire of the Indians is that a State be formed of Indian Territory upon the dissolution of their tribal governments in order that they may incorporate in the constitution a provision prohibiting the sale of intoxicating liquors in the new State.

A prohibition clause could not be embodied in a constitution of a State formed by the union of Oklahoma and Indian Territory, because Oklahoma is now a saloon Territory.

It is well known that the political, civil, and religious conditions of the Indians in the Territory of Oklahoma are seriously affected by the liquor traffic, which is nowhere more arrogant than

in Oklahoma. The extension of the liquor business over Indian Territory is earnestly desired by the wholesale liquor dealers of the United States. The daily papers of the Middle West have published the statement that the liquor dealers have already pooled their interests and arranged to maintain a strong lobby in Washington until the Indian Territory is made a part of Oklahoma. The Creek people maintain a high standard of morality and religion which will, beyond any doubt, be seriously lowered, if not totally destroyed if they be exposed to the baneful influences of free saloons. This consideration alone should receive the careful attention of Congress.

Congress has at all times prohibited the introduction or sale of intoxicants in this country, as will be shown by the acts of Congress quoted below; and we believe there was not a time when the Indians needed protection more from that evil than they will when they become citizens of an independent State and shall no longer be under the control of Congress and the Department of the Interior.

"No ardent spirits shall be introduced, under any pretense, into the Indian country." (Sec. 2139, Rev. Stat.)

"The United States agrees to maintain strict laws in said nation against the introduction, sale, barter, or giving away of liquors or intoxicants of any kind whatsoever." (Creek agreement of March 1, 1901.)

The United States has guaranteed us against absorption by other States or Territories without our consent, and has also assured us of separate statehood for Indian Territory.

"The United States do solemnly agree and bind themselves that * * * no portion of either of the tracts of country defined in the first and second articles of this agreement shall ever be embraced or included within, or annexed to, any Territory or State * * * without the full and free consent of the legislative authority of the tribe owning the same." (Creek Treaty, August 4, 1856.)

The last Act of Congress, which also was the entering wedge for the description of the Indian governments of the Territory, in defining the objects for which the commission to the Five Civilized Tribes (Dawes Commission) was created, reads as follows:

"With a view to such an adjustment upon the basis of justice and equity as may, with the consent of such nations or tribes of Indians, so far as may be necessary, be requisite and suitable, to enable the ultimate creation of a State or States of the Union which shall embrace the lands within the Indian Territory." (Act of Congress of 1893.)

The Five Tribes do not base their appeal for a separate State alone on the pledges of the United States Government.

The area, population, mineral resources, and fertile soil of their country are in themselves sufficient to entitle them to separate statehood.

In area the Indian Territory is twenty-nine times as large as Rhode Island, sixteen times as large as Delaware, six times as large as Connecticut, four times as large as New Jersey, almost four times as large as Massachusetts, three times as large as New Hampshire, three times as large as Vermont, and three times as large as Maryland.

Indian Territory has 6,000 square miles more than West Virginia, 1,500 square miles more than Maine, 1,200 more than South Carolina, is practically the size of Indiana, and is four-fifths the size of either Ohio, Kentucky, Virginia or Tennessee.

According to the census of 1900, the population of the Indian Territory was 392,060, which exceeded the population of seven States and five Territories, namely: Nine times that of Nevada, six times that of Alaska, four times that of Wyoming, three times that of Arizona, twice that of Hawaii, twice that of Delaware, twice that of Idaho, twice that of New Mexico, 148,000 more than Montana, 113,000 more than District of Columbia, 115,000 more than Utah, 72,000 more than North Dakota.

Since the last census emigration to the Indian Territory has been enormous, and it is safe to say that the present population exceeds that of either Oklahoma, Oregan, Rhode Island, South Dakota, Washington, Colorado, Florida, or New Hampshire.

In natural resources the Indian Territory is not surpassed by any State in the Union. Oil and natural gas have been developed in each of the Five Nations, but on account of the holding of the lands in common have not been operated.

The same condition obtains with reference to lead, zinc, tin, and other minerals. The coal and asphalt deposits of the Indian Territory are superior to those of any State in the Southwest. The coal industry is but in its infancy, and yet the annual report of the United States mine inspector for the year ending June 30, 1903, will show that during the year more than 3,000,000 tons of coal were mined in the Choctaw Nation alone. In each of the other nations are extensive fields of coal which are being rapidly developed and operated.

The Indian Territory has the most productive soil, four-fifths of which may be profitably farmed. Citizens of the Five Tribes have been prominent in the upbuilding of the Indian Territory, and are to-day foremost in all enterprises for its permanent development. Proof of this is, that of the board of seven commissioners, selected to cooperate with the Interior Department in management

of the Indian Territory exhibit at the Louisiana Purchase Exposition, five are citizens of the Five Civilized Tribes.

The citizens of the Five Tribes are qualified to organize a State government, and, in asking that they be permitted so to do, are not ignoring the non-citizens of Indian Territory, but, on the contrary, are soliciting their advice and cooperation, and are assured of their hearty support.

Therefore be it

Resolved by the National Council of the Muscogee Nation:

SECTION 1. That we most earnestly and respectfully request that the Congress of the United States fulfill the sacred pledges made to the Indians of the Five Tribes, and permit them, together with the non-citizens of Indian Territory, to organize a State embracing the lands now occupied by the Five Civilized Tribes, to become effective at the expiration of the several tribal governments on March 4, 1906.

SEC. 2. That we emphatically protest against any legislation by Congress providing for the annexation of the Indian Territory to Oklahoma, either in whole or in part, or for a Territorial form of government for Indian Territory, either now or hereafter.

SEC. 3. That the private secretary of the principal chief is hereby instructed to furnish certified copies of this memorial to the chairman of the Committee of the Five Civilized Tribes, who is directed to forward copies to the President and Secretary of the Interior, with the request that the latter transmit the same to Congress.

SEC. 4. These resolutions to take effect and be in force from and after passage and approval.

Adopted, December 15, 1903.

ALEX. DAVIS,
Speaker of House of Representatives.
MILDRED CHILDERS,
Clerk.
JAMES SMITH,
Presid. H. Kings.
SAM GRAYSON,
Clerk.

Concurred in.

Resolutions of Eufaula Convention, May 21, 1903.

Whereas, the United States Government in the several treaties with the Five Civilized Tribes, under which the present tribal governments were organized, guaranteed that the limits of no State or

Territory should ever be extended around the Five Civilized Tribes without their consent, and in the act of Congress of June 28, 1898 (30 Stat. L., 495), agreed that the lands now occupied by the Five Civilized Tribes should, when prepared, be admitted as a State of the Union; and

Whereas, we believe that the Indians of the Five Civilized Tribes are opposed to any territorial form of government for Indian Territory, either now or hereafter, and to any legislation by Congress whose object is the absorption by Oklahoma of the Indian Territory, in whole or in part; and

Whereas, we feel that some method should be adopted whereby the Indians of the Five Civilized Tribes may, by popular vote, determine whether or not they are in favor of statehood for Indian Territory separate from Oklahoma after the expiration of their tribal government: Therefore,

We, the chief executives and representatives of the Five Civilized Tribes assembled at Eufaula, Creek Nation, May 21, 1903, do hereby make the following recommendations, the Cherokee and Chickasaw executives concurring:

1. The chief executive of each nation shall, in his next message to the general council of his nation, recommend legislation authorizing the chief executive to call an election to decide whether or not the members of his nation are in favor of an international convention. This convention shall be composed of 20 delegates from each of the Five Civilized Tribes, and shall be held for the purpose of framing a constitution for a State government to succeed the several tribal governments which expire by treaty provisions on March 4, 1906. The chief executive shall also recommend that the general council prescribe a plan for selecting delegates to the international constitutional convention. The general council of each nation shall instruct its delegates to incorporate in the constitution a provision prohibiting the sale of intoxicating liquors within the boundaries of the State to be formed out of the Indian Territory.

2. We recommend that the citizens of each nation vote for the constitutional convention.

3. We recommend that each nation hold said election not later than December 20, 1903, and that said election be held in the same manner as other elections are held in the several nations. The votes cast in each nation shall be certified by the precinct officers and forwarded to the chief executives. The chief executives of the five nations shall constitute a board of commissioners, who shall canvas and count the votes cast in each nation, and issue proclamation of the result not later than January 10, 1904. If a majority of the qualified voters of the five nations are in favor of a constitution convention, the convention shall be held.

4. We recommend that the international constitutional convention be held not later than February 1, 1904.

5. We recommend that the general council of each nation, at its next session, memorialize Congress for statehood separate from Oklahoma, to become effective March 4, 1906, and that such memorial be transmitted to Congress, the President, and the Secretary of the Interior.

6. We further recommend that the general council of each nation address a memorial to the various religious and temperance organizations of the United States, requesting them to assist the Indians of the Five Civilized Tribes in their efforts to prevent the annexation of the Indian Territory to Oklahoma, and to secure a State government for Indian Territory under a constitution which will protect the Indian from the baleful influence of intoxicating liquors.

7. Knowing that the non-citizens of the Indian Territory (not members of either of the Five Civilized Tribes) prefer separate statehood for Indian Territory, and realizing that the combined efforts of the non-citizens and the Indians will cause Congress to favorably consider our demands, we recommend that the non-citizens hold a convention and ratify the constitution framed by the convention of the Five Civilized Tribes, or propose whatever amendments they deem proper should amendments be proposed by the non-citizens, their convention shall appoint a committee of two persons from each nation. This committee shall meet a like committee appointed by the convention of the Five Civilized Tribes, and these two committees shall constitute a conference committee of 20 persons, who shall adjust all differences in the constitution.

8. The president of the constitutional convention of the Five Civilized Tribes shall appoint two delegates from each of the Five Nations. These ten delegates shall invite the cooperation of a like number of delegates appointed by the convention of the non-citizens, and the two delegations shall take the constitution adopted by the conference committee and proceed to Washington and urge Congress to pass an enabling act authorizing the people of Indian Territory to vote upon the ratification of this constitution, for members of the House of Representatives of the United States, and for all elective officers provided for by the said constitution.

Memorial of the Cherokee Nation protesting against the union of the Indian Territory, and especially the Cherokee Nation, with Oklahoma.

Whereas, the question of single statehood, by a union of Indian Territory with Oklahoma, is now being agitated by the public press, and by public meetings and otherwise: and

Whereas, a call has been issued and given wide publication requesting that delegates shall meet at Muscogee, Indian Territory. on the fourteenth day of November, nineteen hundred and one, expressly favorable to the admission of Oklahoma and the Indian Territory as a single State, and to memorialize the Congress of the United States urging such action or admission; and

Whereas, to incorporate the Cherokee Nation at present within a State or Territorial form of government without our consent, and holding our lands and annuities in common as we do, would be a dangerous menace to our common property interests and in direct violation of the most solemn treaty pledges made to us by the United States, inasmuch as the new State or Territorial government would be represented and ruled by non-citizens who have no interest with us in our lands and money, but who would most certainly pass radical legislation disposing of or destroying our said valuable interests and rights;

Now, therefore, this memorial to His Excellency, the President, and to the honorable Senate and House of Representatives of the United States of America, respectfully and humbly showeth;

It is the sense of the National Council of the Cherokee Nation in regular session assembled, that it would not be conducive to the best interests and happiness of the Cherokee people for the Cherokee Nation to be included, at present, within any State or Territorial form of government; that their common property interests and valuable treaty rights would be endangered thereby; that the actions of those who are instigating and agitating this single statehood move are hereby emphatically denounced as fundamentally wrong and unjust to the Cherokee people.

That any and all resolutions and memorials purporting to come from Cherokee citizens are hereby declared to be not from real Cherokees, but from non-citizens, who have no interests in our property.

The Cherokee Nation hereby earnestly protests against any kind of union with Oklahoma, and against being included, without its consent, within the limits of any State or Territorial form of government whatsoever at the present time, and an appeal is hereby made to His Excellency, the President, and the Congress of the United States, for the protection of the people of the Cherokee Nation, the owners of the land, to the end that these statehood promoters may not be successful in carrying out their proposition.

Adopted by the Senate November 14, 1901.

WOLF COON,
President of the Senate.
S. F. PARKS,
Clerk of the Senate.

Adopted by the council branch November 14, 1901.

M. V. BENGE,
Speaker of Council.
C. S. SHELTON,
Clerk of Council.

Approved November 14, 1901.

T. M. BUFFINGTON,
Principal Chief.

EXECUTIVE DEPARTMENT, CHEROKEE NATION.
Tahlequah, Indian Territory, March 18, 1904.

A correct copy of the original as of record in this department.

[SEAL.] WILSON O. BREETON,
Executive Secretary.

Hon. EDWARD L. HAMILTON,
Chairman of Committee on Territories,
Washington, D. C.

SIR: On behalf of the Indians of the Choctaw Nation I most emphatically protest against the enactment by Congress of any legislation that seeks in any way to abrogate that portion of the Atoka agreement that guarantees that the lands of the Five Civilized Tribes in Indian Territory shall be admitted as a separate State of the Union. The Atoka agreement among other things provides as follows:

"This stipulation is made in the belief that the tribal governments so modified will prove so satisfactory that there will be no need or desire for further change until the lands now occupied by the Five Civilized Tribes shall, in the opinion of Congress, be prepared for admission as a State to the Union."

This agreement was negotiated by representatives of the United States Government and representatives of the Choctaw and Chickasaw nations, and was enacted into law by Congress on June 28, 1898 (30 Stat., 495). I was a member of the commission representing the Choctaw Nation, and recall that the representatives of the United States Government wrote in that agreement the provision above quoted as an inducement to the Five Civilized Tribes to make agreements. The Indians of the Five Tribes have always been solicitous about their status when their tribal governments should cease. That solicitude was repeatedly expressed by the Indians while we were considering the Atoka agreement. As a result the United States commissioners made the guarantee just mentioned, which became to the Indians one of the most favorable provisions of the agreement.

However, this was but a reiteration of the solemn guarantees made to the Five Tribes when the United States Government first sought to make treaties with them whereby the Indians relinquished their lands east of the Mississippi and moved to the Indian Territory. In the treaty of 1828 with the Cherokee Nation of Indians the United States Government used the following language:

"Whereas It being the anxious desire of the Government of the United States to secure to the Cherokee Nation of Indians a permanent home, and which shall, under the most solemn guarantee of the United States, be and remain theirs forever—a home that shall never in all future time be embarrassed by having extended around it the lines or placed over it the jurisdiction of a Territory or State, nor be pressed upon by the extension in any way of any of the limits of any existing Territory or State."

Again, in 1835, in a treaty with the Cherokees, language even more forcible was used, as follows:

"ARTICLE 5. The United States hereby covenant and agree that the lands ceded to the Cherokee Nation in the foregoing article shall in no future time, *without their consent,* be included within the territorial limits or jurisdiction of any State or Territory."

In 1856 the United States Government made an agreement with the Creeks and Seminoles, and article 4 of the agreement contains the following guarantee:

"The United States do hereby solemnly agree and bind themselves that no State or Territory shall ever pass laws for the government of the Creek or Seminole tribes of Indians, and that no portion of either of the tracts of country defined in the first and second articles of this agreement shall ever be embraced or included within or annexed to any Territory or State, nor shall either, or any part of either, ever be erected into a Territory without the full and free consent of the legislative authority of the tribe owning the same."

An agreement was made with the Choctaw Nation in 1830, whereby the United States Government guaranteed that—

"No Territory or State shall ever have the right to pass laws for the government of the Choctaw Nation of red men and their descendants; and that no part of the land granted them shall ever be embraced in any Territory or State."

These quotations from the earlier agreements, considered in connection with the Atoka agreement of 1898, show conclusively that the United States Government has, always intended that the lands of the Five Tribes in Indian Territory should finally be admitted as a separate State. It shows also that the lands of the Five Tribes can not be annexed to or become a part of any Territory or State without the consent of the Indians. The Indians of

the Five Tribes have so interpreted the language of these agreements.

I pause to remind you, and through you the Congress of the United States, that the friendship of the Choctaw people for the United States Government has existed for more than a century. The most memorable proof of that friendship was furnished by Pushmataha, the great Choctaw warrior and friend of President Jackson, when he raised several regiments of Choctaw warriors and rendered valuable assistance to the United States Government at a most critical period in her early history. That friendship has continued unabated through the years. When the United States Government sought to make agreements with the Indians of Indian Territory whereby their lands might be allotted, their property divided, and their tribal governments dissolved, the Choctaw people were the first to accede to the request of the Government. They made and ratified the first agreement, namely, the Atoka agreement, so often referred to in this letter.

Afterwards it was found that the Atoka agreement would have to be amended in some particulars in order to finally settle all our tribal affairs. The Choctaw people readily complied with the request of the honorable Secretary of the Interior and negotiated an agreement supplemental to the Atoka agreement, commonly called the supplementary agreement, ratified by Congress July 1, 1902, and by the Choctaw people on September 25, 1902, but that agreement in no way modified that portion of the Atoka agreement guaranteeing to us a separate State for Indian Territory.

So firmly were the members of the Five Civilized Tribes of the opinion that the United States Government would observe the various provisions above quoted that, at my suggestion, the chief executive of each of the Five Tribes appointed representatives to an international convention to formulate plans that would acquaint Congress with the Indians wishes as to the kind of government that should be erected here at the expiration of the several tribal governments. The plans were outlined in a convention held at Eufaula, Creek Nation, Indian Territory, May 21, 1903, and for your information I inclose herewith a copy of the resolutions there adopted. I might add that these resolutions represent the very best thought of the leading men of each of the Five Tribes, and I most earnestly request that they receive the careful consideration of your committee, and that Congress enact legislation embodying the ideas therein set forth.

I would further state that the Indians of the Choctaw Nation carried out these resolutions to the letter. December 19, 1903, they held the election provided for in section 3 of the resolutions. At that election —— votes were cast for the plans therein outlined, and

only —— votes were cast against them. This fact is a most eloquent indorsement of the plans, and shows conclusively that the Indians of the Choctaw Nation are unalterably opposed to the union of Indian Territory and Oklahoma.

Adverting to that section of the resolutions which provides that the constitution of the new State shall prohibit the sale of intoxicating liquors, I desire to say that the Choctaw people are warmly in favor of prohibition, but they request that Congress will either make the prohibition absolute or not embody it in the constitution at all.

In other words, it would be very distasteful to the Indians of the Five Tribes for Congress to require that the constitution of the new State shall discriminate between citizens of Indian blood and citizens without Indian blood. In theory, the Indian loves liquor; in practice, he is not as bad as the Irish.

There is a widespread tendency to classify the Indians of Indian Territory with the reservation Indians, which are maintained by the Government in several States, including Oklahoma Territory. I fear this impression prevails even in Congress. The Indians of the Five Tribes object to being classified with the reservation Indians. Thus far the policy of the United States with reference to those Indians has been to keep them principally on the reservations, and they have been slow to take part in political affairs. Having no experience in matters of government they are possibly not qualified to assume the responsibilities of United States citizenship.

But the Indians of Indian Territory have had their own governments for nearly a century, and are thoroughly competent by actual experience to become citizens of a State and to intelligently participate in the administration of its affairs. Moreover, we are acquainted with the non-citizens of Indian Territory. They know us. We have been neighbors for many years, and our earnest wish is that we be made citizens of a State with them. We object to becoming citizens of a State with the people of Oklahoma. They know us not; neither do they know that we are qualified in every respect to take part in the formation and in the administration of a State government. Not only that, the people of Oklahoma being accustomed to the reservation Indians, would be inclined to classify us with them, and thus be prejudiced against us and our rights.

Our friends in Congress must not forget that, comparatively speaking, there are but few full-bloods in Indian Territory, and that a great majority of them are thoroughly capable of taking care of themselves and of their own affairs. The Indians of the Five Tribes have never been reservation Indians; they have always been self-sustaining. For nearly a century they have been taking care

of themselves and of their personal affairs, and have been intimately identified with the affairs of government.

Inasmuch as the Choctaw Nation is the only tribe that held the election provided for in the inclosed resolutions, the question naturally arises, Why did the other tribes not hold their elections? The councils of the Creek and Seminole nations passed resolutions authorizing the appointment of delegates to the constitutional convention. The Cherokees and Chickasaws took no action, although I know by correspondence and conversation that they are heartily in favor of the plans. A reason that operated strongly upon the tribes is that they can not appropriate money except by approval of the President of the United States.

They were naturally apprehensive that the President might not approve acts appropriating the money with which to hold the elections and pay the expenses of the constitutional convention. Furthermore, the severe criticisms indulged in by a non-citizen press at home and abroad, who favor the union of Oklahoma and Indian Territory, so thoroughly discouraged the Indians of the other nations that they lost active interest in the movement. The Indians having failed to hold their constitutional convention, it was impossible for the non-citizens to perform the part assigned them in the Eufaula resolutions. It must also be borne constantly in mind that there is such diversity of opinion in Congress on the question of statehood legislation for Indian Territory that it is impossible for the Indians and non-citizens here to unite on any plan to Congress.

However, I express the sentiment of the great majority of the Indians of the Five Tribes when I say that we are in favor of any statehood that Congress may provide, so long as it is statehood for Indian Territory alone, independent of Oklahoma. In this connection I invite your attention to a memorial passed by the general council of the Choctaw Nation in October, 1903, and addressed to the Senate and House of Representatives, in which they protested against the annexation of Indian Territory, giving their reasons therefor at length. A copy of the memorial is inclosed herewith.

In conclusion, permit me to say that the inclosed resolutions of the Eufaula convention recite the moral obligations resting upon the United States Government to maintain its treaty obligations inviolate, and that the inclosed memorial advances with great perspicuity the manifold material reasons why the Indian Territory should be admitted as a separate State of the Union. However, I assure you that the Indians of the Five Tribes will not insist upon Congress giving us statehood legislation drawn in strict conformity with the resolutions of the Eufaula convention, but they will stead-

fastly insist that statehood legislation be drawn in conformity with the provision of the Atoka agreement herein quoted.

All of which is respectfully submitted.

Respectfully,

GREEN McCURTAIN,
Principal Chief of Choctaw Nation.

To the Senate and House of Representatives of the United States of America in Congress assembled:

We, your memorialists, the general council of the Choctaw Nation in regular session assembled, realizing that the Indians of the Five Civilized Tribes, namely, the Choctaws, Chickasaws, Creeks, Cherokees, and Seminoles, must soon discontinue their tribal relations and assume the responsibilities of United States citizenship, and knowing that the Indians of the Five Tribes would be more fully protected in their property holdings, and therefore better satisfied with their new surroundings if permitted to have a hand in shaping the policy of the government that succeeds their tribal governments, and knowing that Indians would have more influence in the organization of a State formed out of Indian Territory than they would have if a State were formed by the union of Indian Territory and Oklahoma, hereby adopt the recommendations of the chief executive of the Five Civilized Tribes issued in convention Eufaula, Ind. T., May 21, 1903.

This convention was the outcome of a meeting held by the Indians of the Five Tribes at the same place, November 28, 1902, when they protested against any legislation by Congress whose object was the annexation of the Indian Territory to Oklahoma or a Territorial form of government prior to March 4, 1906.

The Indians desire a State formed out of the Indian Territory at the expiration of their several tribal governments, in order that they may incorporate in the constitution a provision prohibiting the sale of intoxicating liquors. A prohibition clause could not be embodied in a constitution for a State formed by the union of Indian Territory and Oklahoma, because Oklahoma is now a saloon Territory.

It is well known that the political, civil, and religious conditions of the Indians in the Territory of Oklahoma are seriously affected by the liquor traffic, which is nowhere more arrogant than in Oklahoma. The extension of the liquor business over the Indian Territory is earnestly desired by the wholesale liquor dealers of the United States. The daily papers of the Middle West have published the statement that the liquor dealers have already pooled their interests and arranged to maintain a strong lobby in Wash-

ington until the Indian Territory is made a part of Oklahoma. The Choctaw people are inclined to morality and religion; yet if exposed to the liquor influence of Oklahoma our present high standard of morality and religion will be lowered.

It is also reported that all the great railroad corporations whose lines traverse the Indian Territory desire the annexation of Indian Territory to Oklahoma, and that they will have a strong lobby in Washington to work for that purpose.

The treaty of 1830, under which this Territory was segregated from the public domain of the United States as a continuing home for the Choctaw people, solemnly guaranteed:

"That no part of the lands granted them shall ever be embraced in any Territory or State."

The Atoka agreement of 1897, ratified by act of Congress, June 28, 1898 (30 Stat. L., 495), commonly called the "Curtis Act," after providing that the tribal governments, as modified by that instrument, should continue until March 4, 1906, says:

"This stipulation is made in the belief that the tribal government so modified would prove so satisfactory that there would be no need or desire for further change until the lands now occupied by the Five Civilized Tribes shall, in the opinion of Congress, be prepared for admission as a State to the Union."

Again, the United States Government has maintained the strictest laws prohibiting the sale of intoxicating liquors within the Indian Territory. The agreement of 1897 and the act of Congress of 1898, above referred to, contains that law:

"The United States agrees to maintain strict laws in the territory of the Choctaw and Chickasaw tribes against the introduction, sale, barter, or giving away of liquor and intoxicants of any kind or quality."

Practically the same provisions appears in the agreement with each of the Five Tribes. This protection was claimed by the Indians, and was readily assented to by the Commissioners on the part of the United States, and enacted into law by Congress. Union with Oklahoma as a State means a total disregard of these pledges and that protection.

Section 7 of the said resolutions of the chief executives provides for the cooperation of the non-citizens of the Indian Territory. The Indians are not ignoring the non-citizens in this movement; they are soliciting their cooperation, and are assured of their hearty support.

The Five Tribes do not base their appeal for a separate State solely on the pledges of the United States Government. The area, population, mineral resources, and fertile soil entitle them to a State for their Territory.

In area the Indian Territory is 29 times as large as Rhode Island, 16 times as large as Delaware, 6 times as large as Connecticut, 4 times as large as New Jersey, almost 4 times as large as Massachusetts, 3 times as large as New Hampshire, 3 times as large as Vermont, 3 times as large as Maryland.

Indian Territory has 6,000 square miles more than West Virginia; 1,500 squares miles more than Maine; 1,200 more than South Carolina, is practically the size of Indiana, and is four-fifths the size of either Ohio, Kentucky, Virginia, or Tennessee.

The Choctaw Nation alone is larger than either Rhode Island, Delaware, Connecticut, New Jersey, Massachusetts, New Hampshire, Vermont, or Maryland.

According to the census of 1900 the population of Indian Territory was 392,060, which exceeded the population of 7 States and 5 Territories, namely: Nine times that of Nevada, 6 times that of Alaska, 4 times that of Wyoming, 3 times that of Arizona, twice that of Hawaii, twice that of Delaware, twice that of Idaho, and twice that of New Mexico.

Indian Territory had a population of 148,000 more than Montana, 113,000 more than the District of Columbia, 115,000 more than Utah, and 72,000 more than North Dakota.

The population of Indian Territory in 1900 was greater than that of Nevada, Idaho, Wyoming, and Alaska combined. Since the last census immigration to the Indian Territory has been enormous, and it is safe to say that the present population exceeds that of either Oklahoma, Oregon, Rhode Island, South Dakota, Washington, Colorado, Florida, or New Hampshire.

In natural resources the Indian Territory is not surpassed by any State in the Union. Oil and natural gas have been developed in each of the five nations, but on account of the holding of lands in common have not been operated. The same condition obtains with reference to lead, zinc, iron, and other minerals. The coal and asphalt deposits of the Indian Territory are superior to those of any State in the Southwest. The coal industry is but in its infancy, and yet the annual report of the United States mine inspector for the year ended June 30, 1903, will show that during that year more than 3,000,000 tons of coal were mined in the Choctaw Nation alone. In each of the other nations are extensive fields of coal, which are being rapidly developed and operated. In the Choctaw and Chickasaw nations approximately 444,000 acres of coal and asphalt land have been reserved from allotment. These lands will be sold at public auction to the highest bidder in 640 and 960 acre tracts.

The Indian Territory has the most productive soil, four-fifths of which may be profitably farmed. Two-fifths have never been

touched by the plow. Wheat, oats, corn, and cotton and most any product of the soil may be grown here. Crop failures are unknown.

Citizens of the Five Civilized Tribes have been prominent in the upbuilding of the Indian Territory and are to-day foremost in all enterprises for its permanent development. Proof of this is that of the board of seven commissioners selected to cooperate with the Interior Department in the management of the Indian Territory exhibit at the Louisiana Purchase Exposition five are citizens of the Five Civilized Tribes.

The citizens of the Five Tribes are qualified to organize a State government, and the Choctaws, through their general council, ask that they be permitted to carry out the plans of the chief executives.

Therefore,

Be it resolved by the general council of the Choctaw Nation in regular session assembled:

SECTION 1. That we most earnestly and respectfully request that the Congress of the United States fulfill the sacred pledges made to the Indians of the Five Tribes and permit them and the citizens to organize a State out of the lands now occupied by the Five Civilized Tribes at the expiration of the several tribal governments.

SEC. 2. That we emphatically protest against any legislation by Congress providing for the annexation of Indian Territory to Oklahoma either in whole or in part or for a Territorial form of government for Indian Territory either now or hereafter.

SEC. 3. That the national secretary is hereby instructed to furnish certified copies of this memorial to the chairman of the Five Civilized Tribes committee, who is directed to forward copies to the President and Secretary of the Interior with the request that the latter transmit the same to Congress.

SEC. 4. These resolutions to take effect and be in force from and after passage and approval.

HEADQUARTERS REPUBLICAN TERRITORIAL COMMITTEE,
Guthrie, July 8, 1903.

To Republican members of Congress:

At a meeting of the Republican Territorial committee of Oklahoma, held in the city of Guthrie, June 22, 1903, the undersigned were appointed a committee to prepare and present to Republican members of Congress a statement of the claims of the Territory to statehood, and especially to present the views of the committee as to the political considerations involved.

In the performance of that duty we address ourselves to you

as Republicans having a common interest in the welfare of the Republican party, and firmly believing that what we ask would contribute strength and not weakness to its organization, nor danger to its future success and ascendancy. In the determination of our future relations to the country and to party organizations we are powerless, and can only petition and supplicate those who hold our destinies in their control. But we feel assured that in presenting our cause to Republican Senators and Representatives in Congress we shall receive an attentive hearing and an impartial consideration of the facts we bring to their attention.

Assuming that the partisan political results that would follow the admission of Oklahoma as a State will enter largely into your consideration and materially affect your judgment, we shall ask your attention chiefly to that feature of the subject. But before doing so we desire to speak briefly of the general qualifications of Oklahoma for statehood.

AREA.

Oklahoma embraces 39,030 sqaure miles and is larger than thirteen States now in the Union. She is larger than Indiana, and falls so slightly below Ohio, Kentucky, Tennessee and Virginia as to be practically of the same size. The average of all the States lying east of the Mississippi River is 33,910 square miles. Oklahoma exceeds that average by over 5,000 square miles.

In estimating the relative size of Oklahoma to the States, it is misleading to count against her uninhabitable swamps, mountain ranges, and barren plains. In productive acres and in her capacity to sustain a large population she exceeds twenty-eight States of the Union—or more than half of them. Her lands are practically all fertile and tillable, except in one county attached on the northwest, chiefly devoted to stock raising.

If from the large States west of the Mississippi uninhabitable swamps, rock ranges, and barren plains were eliminated, and only productive and inhabitable lands were considered, Oklahoma would not fall below the average of Western States.

In 1899, as shown by the census of 1900, the number of acres cultivated in cereals in Oklahoma gave her a rank relatively to the States of twenty-fourth, 21 States falling below her. In wheat production she was fifteenth, in cotton tenth, in oats eighteenth, and in corn seventeenth, thus showing that her rank at that time in the production of the leading crops was above an average of the States.

But since then her cultivated acres have increased about 50 per cent. Besides the general reduction to cultivation of new lands throughout the Territory, three new counties have been added and

settled and five others, then chiefly occupied as cattle pastures, have been largely occupied and improved by homestead settlers. So that at this time in cultivated acres and general agricultural productions Oklahoma is not lower than fifteenth in rank with the States. As evidence of this we point to the fact that when the census of 1900 gave her rank as fifteenth in wheat production her yield was 20,000,000 bushels. This year, those most competent to make a safe estimate, place the crop at 35,000,000 bushels, an increase of over 70 per cent, and which makes her rank as eighth in wheat productions.

In other crops the increase has not been so great; but it has been great enough to warrant us in saying, without exaggeration, that in cultivated acres and in general agricultural productions Oklahoma's rank with the States is not lower than fifteenth and that she exceeds 30 of them.

In view of these facts, we submit that it is not just—that it is an inexcusable perversion of the truth—to say, as has been said by prejudiced interests, that Oklahoma would make a "rotten borough" and a "blot on the map." If so, the larger blots would be so numerous that Oklahoma would scarcely be perceptible.

INDUSTRIES AND WEALTH.

The chief interest in Oklahoma at this time is agriculture, but important manufacturing interests are being established in several cities, in which large amounts of capital are being invested. Some of them are now in flourishing operation. Large wholesale houses, carrying stocks that successfully compete with those of the great centers of trade, exist in three or four of our young cities.

No mining interests of importance have yet been developed, but discoveries of lead, zinc, coal, gas, and oil have been made, and some of them promise to develop into valuable interests. Several oil wells are now in operation.

The assessment of taxable property for the present year was $72,400,000. Assessments were made on about one-fifth valuation, but much property was assessed at a still lower rate; so that the actual value of assessable property is over $360,000,000. If to this were added the value of untaxable lands still held by homesteaders —which must be more than $25,000,000—the total wealth would fall but little if any below $400,000,000.

On July 1 last, the Territory contained 235 banks, with deposits of $25,000,000.

The assessment of railroad mileage for the present year shows that on February 1 last there were 2,458 miles of railroad in operation, including side tracks, and 330 miles of finished grade. Since

then rails have been laid on the finished grade, making in all 2,788 miles of railroad in operation. Several other roads are now in course of construction, and by the end of the present year the total mileage will be about 3,200, and Oklahoma will then rank as twenty-first in railroad mileage.

POPULATION.

GROWTH OF CITIES.

The census of 1900 gave Oklahoma a population of 398,331. But a conservative and safe estimate at this time would not be less than 600,000. Since that census was taken most of our leading towns and cities have more than doubled, and many new towns have been established on the new lines of railroad.

(NOTE.—The assessment given above is that of last year. That of the present year is $84,155,023.)

In 1900 the Territory contained only two towns having over 3,500 inhabitants, and these contained 10,037 and 10,006 respectively. There are now six cities having from 10,000 up to 25,000, as recent enumerations show, while there are many containing from 2,000 to 6,000 that were then villages or had no existence. And it is inside the facts to say that in the growth of towns and cities 75,000 have been added to our population since June, 1900.

NEW COUNTIES.

Since that time, also, the three counties formed out of the Kiowa, Comanche, and Caddo reservations have been added, and now contain a population of over 70,000.

In 1900 five western counties were largely held and occupied as cattle ranches. They have since been almost entirely taken up and occupied by homestead settlers, whereby not less than 60,000 more have been added.

These estimates make our present population over 600,000. But to this must also be added a general increase throughout the Territory. We have no means of estimating this increase with safety, but it has been considerable, and a total estimate of 600,000 is entirely safe and reliable.

Assuming this estimate to be correct, Oklahoma has a population greater than either of 15 States now in the Union had in 1900; and it is increasing with a rapidity that will soon place her in advance of several others.

POLITICAL.

STEADY REPUBLICAN GAINS.

We believe that conditions are such that Oklahoma could be depended upon as a reliable Republican State, and we submit the following reasons for our opinion:

In 1894 the vote of the Territory for Delegate to Congress was as follows: Republican, 20,449; Democratic, 12,058; Populist, 15,988. Combining the opposition vote and there was a majority of 7,597 over the Republicans. A little later Greer County—a strong Democratic county—was attached from Texas, thus making a combined opposition majority of about 9,000.

In 1896, by a fusion of the opposing elements, the Republican candidate for Delegate was defeated by 1,164 votes. Since then the Republicans have never failed to elect the Delegate, although they have regularly been opposed by a fusion of the opposition. In fact, the Republicans have never failed to elect the Delegate except in that year. In that year also—when fusion was at the height of its strength—they lost the legislature, also. With that exception, the Republicans never failed to elect a majority of the legislature until last year, when they lost it by one vote only, on a joint count of both branches. And this loss was due to local divisions in two or three Republican counties, over county-seat locations, which resulted in the election of Democrats, and was not due to political causes.

It should be remembered also, that in the election of legislatures the Republicans have had no advantage from gerrymandering in the formation of districts. Councilmen and representatives have usually been elected from counties, and county lines have been disturbed as little as possible, and the Republicans have been placed at a disadvantage, rather than benefited by it.

FAVORABLE INFLUENCES.

Attention is called to the fact that since 1894 the Republicans have steadily gained, until they have practically overcome an adverse majority of 9,000. One of the influences which has favored them has been the steady departure of Democrats from the Territory, and the influx of northern immigration. In the original openings of new lands by which the Territory was settled, a considerable number of settlers came from Texas, all of whom were Democrats. Most of them have sold out to northern farmers and returned to Texas. They are not contented to live where a northern element predominates. The surroundings and associations are not con-

genial. They do not even fraternize harmoniously with northern Democrats, and sharp jealousies and prejudices have everywhere developed. There are counties where many Texans originally settled in which not a solitary Texan remains. In two or three border counties where a larger element from Texas settled, the inducements to emigrate have not been so strong; but they are slowly yielding even there.

In the settlement of the Kiowa, Comanche, and Caddo reservations in 1901, the proportion of Texans who came in and obtained claims was quite large; but their exodus is going on. The lands bordered on Texas and their opportunity was favorable. But northern farmers are buying their lands and occupying them, and the Texans are returning to more congenial locations. At the election last fall, the aggregate Democratic majority for Congressional Delegate in the three counties formed from those reservations was only 576, and it will continue to decrease.

ANOTHER SOURCE OF STRENGTH.

But a future re-enforcement of Republican strength, which is a safe reliance, will come from the dissolving forces of the Populist party. As we have shown, their vote in 1894 was over 15,000. That strength was chiefly composed of former Republicans. They came mostly from Kansas. Many of them were old soldiers, and a large majority of them were Republicans in everything except their financial hobbies. They believed in protection, and in the general ideas of the Republican party, outside of financial questions. And they can never become Democrats. Their organization is now disintegrating, and they are returning to the Republican fold. The healthful financial conditions, and the general prosperity of the country—which they predicted was impossible under Republican measures—have demonstrated so conclusively that they were wrong, and that the Republican party was right, that they no longer assert their theories, and have lost interest in their organization. Their leaders who, through fusions with the Democracy, have been able to secure local offices, have heretofore held them together for that purpose; but they can do so no longer. And their return to the Republican party is certain, and can be relied on with safety. It is not probable that even a pretense of an organization will be maintained through another campaign, and if it should be, it could not control the discontented and demoralized forces that have heretofore sustained it. They see neither hope nor purpose in further continuing a broken down and hopeless organization.

The increased strength which will come from this source will be sufficient alone to make Oklahoma's Republican majorities decisive and permanent,—if they were otherwise questionable.

It should not be overlooked that since 1894 the Republicans have, in every campaign, confronted two political parties of nearly equal strength, well united and organized, and has been beaten but once, and that that condition can not occur again. The practical abandonment of the Populist party as a national organization, together with its disappearance in most of the States, will discourage further efforts in Oklahoma. In fact it is conceded that the organization will not be continued. Whatever votes may come to the Republican party out of the Populist wreck will to that extent weaken the opposition with which we have heretofore contended and add correspondingly to the Republican strength. If we secure only one-third or one-half of it, it would make the Republican majority so strong and decisive as to place the State, if created, out of the list of even doubtful States.

A MISTAKEN SITUATION.

A condition which those who are remote from Oklahoma do not seem to understand or realize is, that although the Territory is situated in the South it is practically a northern Territory; they do not know or comprehend that her people are almost entirely northern; that their habits, social conditions, sympathies, and political tendencies are northern and not southern. It seems to be assumed that her southern location determines, in all respects, her status as a southern Territory. The facts are that the percentage of southern people is very small and is steadily growing less; that the immigration into the Territory is almost exclusively from the north: that if it were located in the position of Kansas or Nebraska its immigration would not be different from what it is. Several lines of railroad from northern directions make it as easily accessible to northern people as any other western locality. And they have entered in to possess the land. They possess it now. Its attractive climate, fertile soil, and varied productions have made it the chief center of northern immigration for several years, and it is especially so at this time. Southern emigration does not come here any more than it goes to Kansas or Nebraska; except as it came at the original "openings," and has since receded before the uncongenial multitudes from the north. That emigration goes to the Indian Territory and to other localities where social and political conditions are more inviting. Practically none of it comes here now.

Oklahoma is southern in her location, but in all else she is as northern as Kansas or Nebraska, except as to two or three counties bordering on Texas, and these are fast being captured and appropriated by northern money and energy.

These conditions surely warrant us in saying with absolute

confidence that Oklahoma would make a reliably Republican State. We believe that if she could participate in the Presidential election next year her vote for the Republican candidate would be as sure as that of Ohio or Indiana. Of this we have no doubt whatever. And she would continue to grow in Republican strength as the influences we have mentioned continue to operate.

A REPUBLICAN STRONGHOLD IN THE SOUTH.

At no other point on the map has Republicanism pushed itself so far south and gained so permanent a foothold as in Oklahoma. It is a stronghold in the "enemy's country," and its influence and example can be of great usefulness in the future. It ought to be encouraged and protected, and not smothered and crushed under the weight of the Arkansas and Texas Democrats who will control the Indian Territory.

GOOD FAITH INVOLVED.

The people of Oklahoma came here not doubting that they would have the right to govern themselves, and to enjoy conditions similar to those they left behind them when they left their northern homes. To crush them now and destroy their identity as an independent people by forcing them into political subjection to Texas and Arkansas Democrats, who constitute a large majority of the people of the Indian Territory, would be a grievous wrong and a political blunder. To make the Territory they have created a mere appendage, or a helpless part of a State ranking in political character and conditions with Texas and Arkansas, would be a monstrous injustice, and a cruel disappointment to thousands of people whose habits and character, and whose efforts in Oklahoma, entitle them to a better fate.

Unless there are overwhelming reasons demanding such a sacrifice, and justifying it, it should not be made. It would be a wrong which only extreme necessity could excuse.

WHAT STATEHOOD MEANS.

Again, single statehood means a permanently Democratic State and two Democratic Senators. Statehood for Oklahoma means a Republican State and two Republican Senators. And if the Indian Territory should at some future time be made a State the Republican party would have preserved at least equal senatorial representation from the two States. Why then should two Senators

be given to the Democrats with no chance for an equivalent Republican representation? The argument that Oklahoma is too small to make a respectable State will not justify such a sacrifice of political power; for it is not true, as we have abundantly shown.

Oklahoma comes clothed with material strength and resources never equaled nor even approached by any other applicant for statehood. She represents evidences of her Republicanism which we think should be accepted as sufficient, without hesitation. And if the Republicans in Congress, through mistake as to facts, or for any other reason should strangle an unborn Republican State and sacrifice senatorial power by surrendering Oklahoma to the control and domination of the most objectionable element of the Democratic party as it flourishes in the Indian Territory, a blunder will have been committed which those who make it will never cease to regret.

DECEPTION AND FRAUD.

Systematic methods of fraud, carefully planned and adroitly executed, have been persistenly resorted to for the transparent purpose of deceiving and misleading Republican members of Congress as to the political situation in Oklahoma. The leaders of the Democratic party in the Territory, recognizing that Oklahoma would inevitably make a Republican State, are tireless and unscrupulous, and even desperate, in their efforts to accomplish a union with the Indian Territory. To this end their efforts are directed to conveying to Republican Senators and Representatives the opinion that Oklahoma can not be relied on to make a Republican State; and thus to secure their cooperation in preventing her admission, except in conjunction with the Indian Territory.

A FRAUDULENT CONVENTION.

We can not undertake to expose all the devices that have from time to time been resorted to, but we ask attention to one or two of them which have been most conspicuous, and which have, perhaps, had to some extent the effect intended.

During the pendency of the omnibus statehood bill in the Senate last winter—to which they were opposed, because of its provisions with reference to the Indian Territory—under their manipulations, a statehood convention was called to meet at Oklahoma City. It was announced and extensively advertised as a "nonpartisan convention to be composed of the people of both Territories and of all political parties." The convention was held, and telegrams were sent over the country announcing that a great con-

vention composed of delegates representing all political parties and the whole people of both Territories had been held, and had unanimously declared for a union of the two Territories in a single State, and had also condemned the provision of the omnibus bill in that particular. An announcement was made in the Senate that the greatest convention ever held in the Southwest, and representing all the people and all parties of both Territories, had assembled and declared for single statehood.

The Senator who made that announcement doubtless supposed he was stating the facts and enlightening the Senate. But if so, he was grossly deceived and imposed upon. He was simply the victim of an artful and designing combination of Democratic politicians. The so-called convention was simply an adroitly planned fraud, which outrageously misrepresented not only the Republicans, but the whole people of Oklahoma.

THE FACTS STATED.

We state what we know to be true when we say that no delegates were sent to that convention, by meetings or caucuses, from more than four counties in Oklahoma. From the counties lying west of the line of the Santa Fe Railroad, embracing two-thirds of the Territory, only one county made even a pretense of choosing delegates, while east of that line delegates were only sent from three counties. What was paraded as a great representative convention was practically only a mass meeting of citizens of Oklahoma City and a train load brought from towns in Indian Territory. Individual Democratic politicians who were present were seated and called delegates who were not sent there by any constituency, and who represented nobody but themselves. The Republicans of the Territory did not participate in it, and had no sympathy with its purposes. It is proper to say, however, that Oklahoma City and Shawnee are so located that many of their people believe that local advantages could be secured in the location of public institutions through single statehood; and a few Republicans in those cities have cooperated with their Democratic neighbors, and their names have been conspicuously paraded to convey the false impression that the convention was nonpartisan and represented the Republicans of the Territory. But beyond a very few, influenced by mere local considerations, the Republicans of Oklahoma are united and harmonious in favor of statehood for Oklahoma without waiting for the Indian Territory. In the past there have been differences of judgment, but in the light of present conditions there are practically none now.

A more deceptive and fraudulent proceeding was never perpetrated in the form of a convention than the Oklahoma City convention to which we have referred.

ANOTHER OF THE SAME KIND.

Recently another convention was held, and again extensively advertised as a "nonpartisan convention." This convention was held at Shawnee, June 24, 1903. Delegates were chose in less than half a dozen counties in Oklahoma, and the same methods were pursued as in the former convention. The usual "nonpartisan" resolutions were adopted, and the country again flooded with telegrams announcing a great convention of the people, of all parties and of both Territories.

But what we wish more particularly to call attention to in this connection is the studied method of fraud practiced to mislead public opinion and judgment. At Guthrie no convention or caucus was held to select delegates; but a delegation was made up in the office of the Democratic newspaper, and telegraphed as having been chosen by a mass meeting of the people. It included the names of such Republicans as ex-Governor Barnes, F. H. Greer, editor of the State Capital, and others. Neither of these gentlemen knew anything of a caucus whatever. Neither had any sympathy with the convention or approved of its purposes, and of course did not attend it. The same disreputable scheme was resorted to in other counties. Prominent Republicans known to be antagonistic to the purpose of the convention were named as delegates in secret caucuses, and their names published as delegates present at the convention, the object being to convey to the country, and especially to Republican members of Congress, the false and misleading information that the convention was nonpartisan and not strictly Democratic; that it embraced leading and influential Republicans of the Territory, and thus to secure for it a consideration which Republicans would not otherwise be expected to accord it.

THE ELECTION OF 1902.

It has also been represented that the election of McGuire last year as a Delegate was due to the fact that the Democrats permitted him to be elected, in the hope that his election would encourage a Republican Congress to favor statehood.

A comparison of the vote cast for the Congressional candidates with the vote for the local or county candidates, will show that this statement is without a shadow of truth. It will show that McGuire lost considerably on account of the statehood question, and gained

nothing. In the two or three counties to which we have elsewhere referred, wherein a strong single statehood sentiment exists, McGuire lost many votes, but he gained nothing in the other counties.

While it is true that a majority of the Democrats of the Territory did not approve of the position of their candidate on the statehood question, they gave him an united support as the party candidate. He lost no votes anywhere, while McGuire did lose in the localities mentioned.

It was urged in the campaign by the Democratic candidate and his supporters that the Republicans had heretofore, in several campaigns, regularly promised statehood, but that the pledges of their candidates and of their platforms had not been respected; that those promises had only been made to catch votes and then be disregarded and broken. The facts gave sufficient plausibility to this charge to make it damaging to the Republican candidate and to the whole party in the Territory. And instead of gaining votes on the statehood question, the Republicans were weakened considerably on account of it.

We are of the opinion, however, that a large majority of the Democrats of the Territory are in harmony with the views of the Republicans on the statehood question. The ambitious political representatives of the party are for single statehood; but the business element, and the common voters, do not sympathize with them. So general is this feeling that the managers have been unable to induce the voters to send delegates to their statehood conventions. In their efforts to organize the so-called great conventions at Oklahoma City last winter, they were only able to persuade four counties to hold meetings to send delegates. And recently, in endeavoring to work up an interest in the Shawnee convention, hundreds of personal letters were sent over the Territory appealing to the local managers to send delegations, but they only succeeded in inducing six counties to do so.

We are of the opinion that the Republican party of Oklahoma represents the desires of more than three-fourths of the people of the Territory. It has nearly a united support of the Republicans and the quiet sympathy of more than half of the Democrats also.

Taking advantage of local conditions in the counties above mentioned, those who control the Democratic organization have adroitly paraded mere local mass meetings before the country as representative conventions, and have succeeded in creating impressions and opinions outside of the Territory entirely unwarranted by the facts and which are prejudicial to a just and fair consideration not only of the interests of the Territory, but of the local Republican party and of the whole country.

THE TRUTH SHOULD BE KNOWN.

We are thus particular in referring to these methods because we know that they have had in some degree the effect intended, even with some members of Congress, and because they will certainly be repeated and supplemented by other means of deception. We regard them as disreputable schemes, too unworthy to be considered with patience. And we hope that in exposing them they may be made less effective in the future and fail to be successful in the purposes that inspire them. We desire that the final judgment and action of Congress shall be based upon the full truth of the situation, and not upon false information inspired by hostile political motives and distributed by fraud and rascality.

INDIAN TERRITORY REPUBLICANS.

Many Republicans in the Indian Territory favor single statehood. They do so in the vague hope that Oklahoma might possibly be strong enough to make the joint State Republican. But this is an utter delusion. Oklahoma can take care of herself, but she can not overcome the Democratic majority in the Indian Territory. That majority will be from 20,000 to 40,000, and it is greater than the Republicans of Oklahoma could reasonably be expected to overcome.

The Republicans in the Indian Territory are actuated by motives similar to those of the Democrats in Oklahoma. They desire to become citizens of a State of their own political faith. We sympathize with them in the unfortunate prospects before them, but we can not rescue them. We can only hope to be saved from being overwhelmed with them ourselves.

We desire to repeat that the Republicans of Oklahoma are substantially united in favor of statehood for Oklahoma and against the Democratic scheme of single statehood. They adhere to the platform upon which they elected their present Delegate, and protest against being refused admission until the uncertain time when the affairs of the Indian Territory will warrant a condition of statehood there.

THE WAY OUT.

In conclusion, we beg to suggest as a proper disposition of the subject that Congress now admit Oklahoma, reserving the right to attach the Indian Territory in the future. This would give Oklahoma an opportunity to demonstrate whether she can be relied on as a Republican State or not. If she should prove to be a Democratic State, the Indian Territory could then be merged into her and one

Democratic State be made. If, on the other hand, she should demonstrate her loyalty to the Republican party, as we know she would, we have no fear that Congress would ever desire to obliterate her identity by casting her into the arms of a Democratic majority in the Indian Territory.

C. M. CADE, *Chairman.*
A. J. SEAY,
C. M. BARNES,
CHARLES P. LINCOLN,
H. E. HAVENS.

EXHIBIT C.

A conference of the leading men of the Creek Nation met in the Chief's office at 11 o'clock A. M., pursuant to a call of the Principal Chief, P. Porter, and adjourned to meet again at 1 P. M., in the rooms of the Commercial Club.

1 O'CLOCK P. M.

The conference met at 1 P. M., pursuant to adjournment in the rooms of the Commercial Club, and organized by electing the Second Chief, Moty Tiger, Chairman; A. P. McKellop, Clerk, and G. W. Grayson, Interpreter.

It was moved and carried that a roll of the members of the Conference be made, showing the towns which they represent. The following roll was made in accordance with the above action of the Conference, to-wit:

1. Moty Tiger, Second Chief, Tokebache Town.
2. S. J. Haynes, Town King, Tulwa Thlocco.
3. Thos. J. Adams, Town King, Kichopatkee.
4. David Anderson, Town King, Conchartee.
5. C. B. Perryman, Town King, Big Spring.
6. A. P. McKellop, Town King, Coweta.
7. Paro Brunner, Town King, Canadian Colored.
8. Alex. Davis, M. C., House of Warriors, Tulwa Thlocco.
9. Joe Grayson, House of Warriors, Kechopatke.
10. Albert Burgess, House of Warriors, Big Spring.
11. W. E. Gentry, House of Warriors, Broken Arrow.
12. Dave Roberts, House of Warriors, Canadian Colored.
13. Robert Manual, House of Warriors, Canadian Colored.
14. G. A. Alexander, of the Tokebache Town.
15. March Thompson, of the Tulwa Thlocco.
16. John R. Goat, of the Tulsa Little River.
17. Ben Marshall, of the Broken Arrow.

18. John Francis, M. C., House of Warriors, Oche Apofa.
19. Jim Walker, House of Warriors.
20. G. W. Grayson, House of Warriors, Coweta Town.
21. Cheesie McIntosh, House of Warriors, Coweta Town.
22. Cub McIntosh, House of Warriors, Coweta Town.
23. Theo. E. Stidham, House of Warriors, Hechittee Town.

On motion, General Porter, the Principal Chief, was called upon to state the object for which he called the conference. The object of the Conference was accordingly stated by Chief Porter.

The Conference of citizens of the Muskogee Nation, called by the Principal Chief Porter, met on this the 14th day of July, at Muskogee, and passed the following resolutions:

RESOLVED, By the Conference of citizens of the Muskogee Nation, convened at Muskogee on this the 14th day of July, 1905, that it is the sense of this body that the Creek people are opposed to any plan of statehood for the Indian Territory which shall include any scheme of alliance with the present citizens and Territory of Oklahoma;

BE IT FURTHER RESOLVED, That the Principal Chief be, and he is hereby requested in his conference with the Chiefs of the Five Civilized Tribes, to endeavor to secure equal representation for the Indians as well as the white citizens of the country, who shall convene and engage in the work of formulating and drafting a constitution for the State to be erected in place of the present Indian Territory.

GEO. A. ALEXANDER, *Chairman.*

Motion was made by T. J. Adams to adopt the above Committee's report, and was unanimously adopted.

MOTY TIGER, *Chairman.*

UNITED STATES OF AMERICA,
Indian Territory, Western District, } *ss:*

PLEASANT PORTER, Principal Chief of the Creek Nation, being first duly sworn according to law, deposes and says that the foregoing resolution, dated July 14th, 1905, is a true, perfect and correct copy of the original resolution.

P. PORTER.

Subscribed and sworn to before me this 31st day of October, 1905.

JAY P. FARNSWORTH,
Notary Public.

[SEAL.]

My commission expires August 16th, 1908.

EXHIBIT D.

RESOLUTION ENDORSING THE ACTION OF THE PRINCIPAL CHIEF RELATIVE TO THE CONSTITUTIONAL CONVENTION, AND IN RELATION THERETO.

WHEREAS, The Principal Chief of the Choctaw Nation, acting in conjunction with the Governors of the Cherokee, Creek, Chickasaw and Seminole Nations, called a Constitutional Convention at Muskogee, Indian Territory; and

WHEREAS, Said Convention was composed of the most representative and intelligent class of the inhabitants residing in the boundaries of the Five Civilized Trbes; and

WHEREAS, The Convention has adopted and promulgated a Constitution to be submitted to a vote of the people on Tuesday, November 7, 1905, that reflects the highest order of intelligence and patriotism on the part of the members composing that distinguished assembly; and

WHEREAS, The treaties between the United State Government and the Five Civilized Tribes contain numerous provisions virtually pledging to the Indians thereof the creation of a State out of the Indian Territory, independent and alone; and

WHEREAS, The racial pride not yet extinct among our people craves the boon of one modest Indian State out of a domain which at one time almost composed the continent; and

WHEREAS, In resources and material well being, the Indian Territory is equipped in every particular for statehood of and by itself; therefore

Be it Resolved by the General Council of the Choctaw Nation assembled:

SEC. 1. That the action of our Chief in his earnest efforts to secure Statehood for the Indian Territory is hereby commended and endorsed.

SEC. 2. That the Constitution adopted by the said Constitutional Convention is hereby approved and ratified by the General Council of the Choctaw Nation, because it more truly represents and reflects the sentiment and feeling of the great mass of people inhabiting the Indian Territory than any other published expression extant.

SEC. 3. That a copy of this resolution be forwarded to the President of the United States, conveying the sense of this body, and that this resolution shall take effect and be in force from and after its passage and approval.

I, E. H. WILSON, National Secretary of the Choctaw Nation, hereby certify that that the above and foregoing is a true and perfect

copy of Bill No. 9, as passed by the Choctaw Council assembled at its regular October Session, which said bill was approved by the Principal Chief of the Choctaw Nation on October 24, 1905, the original of which bill is now on file in my office.

WITNESS my hand and the Great Seal of the Choctaw Nation, this 11th day of November, 1905.

E. H. WILSON,
National Secretary.

[SEAL.]

(Copy.)

EXHIBIT E.

RESOLUTIONS AND MEMORIAL.

To the Congress of the United States relative to treaty obligations, executive and departmental promises, touching the form of government and boundaries thereof, which shall succeed the tribal government:

WHEREAS, The United States in consideration of the removing of the Choctaw Indians from their abode east of the Mississippi River to their present home, agreed and stipulated in words and figures, following, to wit:

"The Government and people of the United States are hereby obliged to secure to the said Choctaw Nation of red people the jurisdiction and government of all the persons and property that may be within their limits west, so that no Territory or State shall ever have a right to pass laws for the government of the Choctaw Nation of red people and their descendants, and that *no part of the land* granted them shall ever be embraced in any State or Territory." (7th U. S. Stat., page 334.)

WHEREAS, The above and foregoing article is a portion of the treaty of October 18, 1820, which ceded to the Choctaw Indians all the lands now embraced within the Choctaw and Chickasaw nations, and occupied by said tribe.

WHEREAS, Subsequent thereto the Chickasaws bought an equal undivided interest in said lands from the Choctaws, and

WHEREAS, By the Treaty of the City of Washington on the 24th day of May, 1834, whereby the removal of the Chickasaws was effected, the United States Government guaranteed in Article 2 of said Treaty that:

"The Chickasaws are about to abandon their homes, which they have long cherished and loved, and though hitherto unsuccessful, they still hope to find a country adequate to the wants and sup-

port of their people somewhere west of the Mississippi, and within the Territorial limits of the United States. Should they do so, the Government of the United States hereby consents to protect and defend them against the inroads of any other Tribe of Indians and from the whites, and agree to keep them without the limits of any State or Territory."

WHEREAS, Said agreement has never been repealed, modified or abridged, until the ratification of the Atoka Agreement of 1898 by and between the United States and the Choctaws and Chickasaws.

WHEREAS, Pursuant to an Act of Congress, entitled "The Dawes Commission Act" of 1893, for the allotment of the lands of the Five Civilized Tribes, that said Commission held out the hope and the promise to the Chickasaws and Choctaws that they should be made citizens of the United States, and should be organized into a State Government, embracing the lands now occupied by the Five Civilized Tribes, and that they should never, without their consent, be included within the Territory of Oklahoma, or that of any other State or Territory.

WHEREAS, The agreement concluded at Atoka by and between the United States and the Choctaws and Chickasaws, guaranteeing a continuation of their Tribal Government till the 4th day of March, 1906, and ratified and approved in 1898, contained this explicit pledge:

"This stipulation is made in the belief that the Tribal Government so modified will prove so satisfactory that there will be no need or desire for further change till the lands now occupied by the Five Civilized Tribes shall, in the opinion of Congress, be prepared for admission *as a State of the Union.*"

WHEREAS, The time has come for the Chickasaw people to hold their last council, and to pass from their cherished tribal existence to that of statehood as provided by the Atoka Agreement.

WHEREAS, It would redound to the happiness and prosperity of the Chickasaw Indians to be included within a State composed of the Five Civilized Tribes, rather than to be overwhelmed by an alien population of a foreign Territory, whom we do not know, and who have not favorably known us, and whose knowledge of the Indian is that of a savage rather than that of the Five Civilized Tribes.

WHEREAS, We have an abiding faith in the integrity of the United States and her treaty obligations, emphasized by official documentary declarations that on the passing of their tribal existence we shall receive the promise not to include us with any Territory or State, except that comprising the Five Civilized Tribes.

WHEREAS, A convention consisting of delegates from the Five Civilized Tribes met at Muskogee, on August 21, 1905; framed and ratified a constitution known as the Constitution for the proposed State of Sequoyah, and adopted the same on the 8th day of September, 1905, and afterward to be submitted to a vote of the whole people of the Indian Territory on November 7, 1905.

Therefore, be it resolved, By the Legislature of the Chickasaw Nation that we do unalterably oppose being included within the boundaries of Oklahoma, or any other State or Territory, save and except the Territory now occupied by the Five Civilized Tribes; that we do most solemnly protest against the passage of any bill seeking to include us within the Territorial limits of Oklahoma, either as a State or Territory.

Resolved second, That we endorse and commend the work of the Muskogee Convention and the Constitution adopted by the same, looking to the creation of a State out of the lands now embraced within the present limits of the Indian Territory. That this memorial take effect from and after its passage by each House of this Legislature, and that a copy of the same be furnished to the committee and delegates selected by said Muskogee Convention to be presented to the President, and to the Senate and House of the Congress of the United States.

Recommended by Representative Frank O. Smith, of Ryan; Senator G. W. Young, of Berwyn, this October 10, 1905.

Passed the House the 18th day of October, 1905.

C. H. BROWN,
Speaker.

ATTEST:
W. T. WARD,
Clerk.

Passed the Senate October 20, 1905.

M. V. CHEADLE,
President Senate.

ATTEST:
O. D. WHITE,
Secretary.

EXHIBIT F.

JOINT RESOLUTION NO. 11.

WHEREAS, Section 63 of an Act of Congress approved July 1st, 1902, entitled "An Act to provide for the allotment of lands of the Cherokee Nation, for the disposition of Townsites therein, and for

other purposes, provides: "The Tribal Government of the Cherokee Nation shall not continue longer than March 4, 1906;" and

WHEREAS, Article 5 of the Treaty of 1835 provides: "The United States covenants and agrees that the lands ceded to the Cherokee Nation in the foregoing article shall in no future time, without their consent be included within the territorial limits or jurisdiction of any State or Territory;" and

WHEREAS, The lands ceded in the foregoing article embrace those lands now being allotted by the Commissioner to the Five Civilized Tribes to the Citizens of the Cherokee Nation; and

WHEREAS, William C. Rogers, Principal Chief of the Cherokee Nation, in conjunction with the representatives of the other Five Civilized Tribes, called a conventon which assembled at Muskogee, Indian Territory, and on September 8th, 1905, adopted a Constitution to be submitted for ratification on November 7, 1905, providing for Separate Statehood for the lands now occupied by the Five Civilized Tribes and the Quapaw Indians Reservation; therefore

Be It Resolved by the National Council of the Cherokee Nation. That the action of William C. Rogers, Principal Chief of the Cherokee Nation, in calling, in conjunction with the representatives of the other Five Civilized Tribes, the Separate Statehood Convention, is hereby endorsed, and it is the sense of the National Council of the Cherokee people that they are opposed to being united in statehood with the Territory of Oklahoma, but that they favor separate statehood with the other Five Civilized Tribes, and the Quapaw Indian Reservation, and we hereby endorse the Constitution as adopted for the proposed State of Sequoyah by the Separate Statehood Convention held in the City of Muskogee, Ind. Terr., September 8, 1905.

Passed the Senate this September 29th, 1905.

JOE M. LA HAY,
President of the Senate.

J. L. BAUGH,
Clerk of the Senate.

Concurred in by the House, September 29th, 1905.

JOHN H. GIBSON,
Speaker of Council.

MARTIN M. ROWE,
Clerk of Council.
Executive Department of the Cherokee Nation.

W. C. ROGERS,
Principal Chief of the Cherokee Nation.

Approved:
September 30, 1905.

(Copy.)